

May 20, 2008

TO: Members of the MAG Regional Council

FROM: Mayor James M. Cavanaugh, Goodyear, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.
Wednesday, May 28, 2008
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

Dinner - 6:30 p.m.
MAG Office, Suite 200

The next Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor. Supporting information is enclosed for your review.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
May 28, 2008**

COUNCIL ACTION REQUESTED

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Regional Council on activities of general interest.

5. Approval of Consent Agenda

Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*).

3. Information.

4. Information and discussion.

5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the April 23, 2008 Meeting Minutes

5A. Review and approval of the April 23, 2008 meeting minutes.

TRANSPORTATION ITEMS

*5B. Pedestrian Design Assistance and Bicycle Design Assistance Projects for 2008 Funding - Phase II

The FY 2008 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2007, includes \$200,000 for the Pedestrian Design Assistance Program and \$300,000 for the Bicycle/Shared-Use Design Assistance Program. The Pedestrian Working Group, the Regional Bicycle Task Force, the Transportation Review Committee, and the Management Committee recommended approval of three projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000); City of Phoenix: Third Street Promenade (\$65,000); and City of Mesa: Adobe Road Complete Streets (\$30,000). Please refer to the enclosed material.

*5C. Interim Closeout of the Federal Fiscal Year 2008 MAG Federally Funded Program

The federal fiscal year (FFY) 2008 Interim Closeout established that member agencies submitted requests to defer or delete federal funds from projects for approximately \$40.1 million. As a result, the amount of funds available during the interim closeout is approximately \$14.7 million. The amount available for the FFY 2008 Closeout may change due to the future project deferrals. Any changes will be provided in the upcoming months. The deadline for FFY 2008 Closeout project submittal and initial deferral notification was April 18, 2008. The Management Committee recommended approval of the Interim Closeout. This item is on the May 21, 2008, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5D. Arterial Life Cycle Program Status Report

A status report on the Arterial Life Cycle Program (ALCP) is provided for the period between October 2007 and March 2008 and includes an

5B. Approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000); City of Phoenix: Third Street Promenade (\$65,000); and City of Mesa: Adobe Road Complete Streets (\$30,000).

5C. Approval of a list of projects to be carried forward from FFY 2008 to FFY 2009 or later and approval of a list of projects requesting removal of federal funds.

5D. Information.

update on ALCP Project work, the remaining FY 2008 ALCP schedule, and ALCP revenues and finances. Please refer to the enclosed material.

*5E. Fiscal Year 2008 - Arterial Life Cycle Program Regional Area Road Fund Closeout

The Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout process was established in the December 19, 2007 ALCP Policies and Procedures. A fiscal analysis of ALCP revenues and expenditures and a list of eligible projects for the ALCP RARF Closeout were completed. After reviewing the output of the financial analysis, MAG staff recommended that three eligible projects are reimbursed in the FY2008 ALCP Regional Area Road Funds (RARF) Closeout. The Transportation Review Committee and the Management Committee recommended advancing the reimbursements. This item is on the May 21, 2008, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5F. Proposed Revisions to the MAG Enhancement Funds Working Group

In April 1993, the Regional Council established the Enhancement Funds Working Group. The purpose of the Working Group is to make recommendations to the Arizona Department of Transportation Enhancement Fund Review Committee for the expenditure of federal transportation enhancement funds. Since the Working Group was established, some of the committees that provided representatives to the Working Group have ceased to exist and other vacancies have occurred on the Working Group. On May 14, 2008, the Management Committee recommended changes to the Working Group regarding (1) leadership, (2) composition and (3) operating procedures. Please refer to the enclosed material.

5E. Approval of advancing reimbursements from 2012, 2013, and 2014 to 2008 for the FY 2008 Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout for ALCP Projects: Lake Pleasant Parkway, Arizona Avenue at Chandler Boulevard, and Val Vista: Warner to Pecos, totaling \$14.978 million, and amend the FY 2008 ALCP and 2007 RTP Update as necessary.

5F. Approval of the proposed revisions to the MAG Enhancement Funds Working Group regarding the (1) leadership, (2) composition and (3) operating procedures of the Enhancement Funds Working Group.

AIR QUALITY ITEMS***5G. Consultation on Proposed Transportation Conformity Processes for the 2008 MAG Conformity Analysis**

Federal and state conformity regulations require that MAG consult with federal, state, and local air quality and transportation agencies on proposed processes for conformity analyses on the Transportation Improvement Program and the Regional Transportation Plan. MAG is distributing for comment the proposed processes to be applied beginning with the upcoming conformity analysis for an amendment to the FY 2008-2012 MAG Transportation Improvement Program and the Regional Transportation Plan 2007 Update. Comments regarding this material were requested by May 23, 2008. Please refer to the enclosed material.

5G. Consultation.

GENERAL ITEMS***5H. Social Services Block Grant Revised Allocation Recommendations**

Under a planning contract with the Arizona Department of Economic Security (DES), the MAG Human Services planning program annually recommends allocations for locally planned Social Services Block Grant (SSBG) dollars to meet human services needs in the MAG region. On March 14, 2008, DES notified MAG that the U.S. Department of Health and Human Services is requiring revised allocation recommendations for SSBG funding reflecting a 19.722 percent budget cut proposed at the federal level. While it is hoped that the proposed budget cut will not be approved, a revised plan needs to be submitted to DES by the end of May. The MAG Human Services Technical Committee, the MAG Human Services Coordinating Committee, and the MAG Management Committee recommended approval of the revised SSBG allocations. Please refer to the enclosed material.

5H. Approval of the revised FY 2009 Social Services Block Grant allocation recommendations reflecting the proposed funding reduction at the federal level.

*5I. Approval of the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget

Each year MAG develops a Unified Planning Work Program and Annual Budget. This year, draft budget presentations were held and incremental information on the budget was presented beginning in January 2008 through April 2008. The total dues and assessments for FY 2009 were kept at the same level as FY 2008 due to the current uncertain economic conditions facing our members. As adjustments to the budget were made, the draft budget document was updated and presented to the Management Committee, Regional Council Executive Committee, and Regional Council. The Work Program and Annual Budget was discussed by State and Federal agencies at the April 2, 2008 Intermodal Planning Group meeting. The Management Committee recommended approval of the resolution. Please refer to the enclosed material.

*5J. Regional Office Center Update

On April 23, 2008, the MAG Regional Council approved the following: 1) Analyze the current agency leases and project staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative budget to consider at different development sites; 2) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 3) Request David Kaye, the owner of the property at 1st Avenue/McKinley, to negotiate a first right of refusal on the property and terminate the payment of \$38,000 per month.

These steps were followed, and on May 19, 2008, meetings of the Regional Office Center Working Group and the Regional Council Executive Committee were held. The consensus was to direct the staff to do the following: 1) Pursue inspecting two properties for purchase located at 210 E. Earll and 111 W. Monroe and set up a tour of the locations within 30 days; 2) Investigate other property tax incentives, if any, that may be viable at the 210 E. Earll location; 3)

5I. Approval of the resolution adopting the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

5J. Approve the MAG Executive Committee recommendation to direct staff to do the following: 1) Pursue inspecting two properties for purchase located at 210 E. Earll and 111 W. Monroe and set up a tour of the locations within 30 days; 2) Investigate other property tax incentives, if any, that may be viable at the 210 E. Earll location; 3) Postpone the Guaranteed Maximum Price (GMP) on the Regional Office Center until information on the two purchase properties is provided; 4) Attain a market rate indicator for the agencies to identify financing position to buy and/or build; 5) Not accept the Letter of Intent (LOI) terms from Mr. Kaye for the 1st Avenue/McKinley site at this time.

Postpone the Guaranteed Maximum Price (GMP) on the Regional Office Center until information on the two purchase properties is provided; 4) Attain a market rate indicator for the agencies to identify financing position to buy and/or build; 5) Not accept the Letter of Intent (LOI) terms from Mr. Kaye for the 1st Avenue/McKinley site at this time. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Transportation Planning Update

In December 2007, the Regional Council amended the Unified Planning Work Program and Annual Budget for a statewide survey to measure public attitudes regarding transportation. In February 2008, the Regional Council approved the selection of a consultant and statewide focus groups were conducted. Following the focus groups, and with input from the Transportation Policy Committee, a polling instrument was developed for the statewide survey. A scientific household telephone survey was conducted from April 22-May 9, 2008. Survey results are being analyzed, and a presentation summarizing the initial topline findings of the Statewide Transportation Survey will be presented.

On April 23, 2008, a joint meeting of the Regional Council and the Transportation Policy Committee was held. Representatives from the Arizona Department of Transportation discussed the Preliminary Critical Needs Definition document, and representatives from the TIME Coalition discussed an initiative that is being proposed for the November 2008 General Election. An update will be provided on the ballot initiative language and the impact on Proposition 400 projects. Please refer to the enclosed material.

6. Information and discussion.

GENERAL ITEMS

7. MAG 208 Small Plant Review and Approval for the Proposed Preserve at Goldfield Ranch Water Reclamation Facility

Maricopa County has requested that MAG review the proposed Preserve at Goldfield Ranch Water Reclamation Facility through the Small Plant Review and Approval Process of the MAG 208 Water Quality Management Plan. The proposed facility would have an ultimate capacity of 400,000 gallons per day and reclaimed water would be disposed of through reuse and recharge. The Fort McDowell Yavapai Nation and Salt River Pima-Maricopa Indian Community are within three miles of the project and both have expressed concern about the Draft Small Plant Review and Approval.

On March 20, 2008, the MAG Water Quality Advisory Committee recommended approval of the Draft Small Plant Review and Approval for the proposed facility. On April 9, 2008, the MAG Management Committee recommended approval of the Draft Small Plant Review and Approval for the proposed facility recognizing the commitment volunteered by the developer to treat the effluent at a level higher than required by the state: 10 milligrams per liter (mg/l) for total suspended solids, 10 mg/l for biochemical oxygen demand, 5 mg/l for total nitrogen, and 1 mg/l (85 percent efficiency) for total phosphorus.

In April, the President of the Salt River Pima-Maricopa Indian Community requested a one-month delay to provide them an opportunity to hire an independent consultant to investigate information brought forward by the Salt River Project in an April 8, 2008 letter. Also, MAG received a May 13, 2008 letter from the Arizona Department of Environmental Quality regarding the project. The consultant report is on the May 22, 2008 Water Quality Advisory Committee agenda. An update will be provided under separate cover. Please refer to the enclosed material.

7. Information, discussion, and possible approval of the MAG Management Committee recommendation: approval of the proposed Preserve at Goldfield Ranch Water Reclamation Facility as part of the MAG 208 Water Quality Management Plan recognizing the commitment volunteered by the developer to treat the effluent at a level higher than required by the state: 10 mg/l for total suspended solids, 10 mg/l for biochemical oxygen demand, 5 mg/l for total nitrogen, and 1 mg/l (85 percent efficiency) for total phosphorus.

8. Legislative Update

An update will be provided on legislative issues of interest.

9. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

8. Information, discussion and possible action.

9. Information.

**MINUTES OF THE JOINT MEETING OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL AND
TRANSPORTATION POLICY COMMITTEE**

April 23, 2008
MAG Office, Saguaro Room
Phoenix, Arizona

REGIONAL COUNCIL MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair	Councilmember Paul Stucky for Mayor
Mayor Mary Manross, Scottsdale, Vice Chair	Thomas Schoaf, Litchfield Park
# Councilmember Robin Barker, Apache Junction	Supervisor Don Stapley for Supervisor
* Mayor Marie Lopez Rogers, Avondale	Max W. Wilson, Maricopa Co.
* Mayor Bobby Bryant, Buckeye	Mayor Keno Hawker, Mesa
Mayor Wayne Fulcher, Carefree	Mayor Ed Winkler, Paradise Valley
Vice Mayor Gilbert Lopez for Councilmember	Mayor Bob Barrett, Peoria
Dick Esser, Cave Creek	Vice Mayor Peggy Neely, Phoenix
# Mayor Boyd Dunn, Chandler	# Mayor Art Sanders, Queen Creek
Mayor Fred Waterman, El Mirage	Vice President Martin Harvier for President
Treasurer Pamela Mott for President Clinton	Diane Enos, Salt River
Pattea, Fort McDowell Yavapai Nation	Pima-Maricopa Indian Community
Mayor Wally Nichols, Fountain Hills	Mayor Lyn Truitt, Surprise
Mayor Fred Hull, Gila Bend	* Mayor Hugh Hallman, Tempe
* Governor William Rhodes, Gila River Indian	* Mayor Adolfo Gamez, Tolleson
Community	* Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Michael LeVault, Youngtown
Mayor Elaine Scruggs, Glendale	Felipe Zubia, State Transportation Board
Mayor Rebecca Jimenez, Guadalupe	Victor Flores, State Transportation Board
	* David Martin, Citizens Transportation
	Oversight Committee

TRANSPORTATION POLICY COMMITTEE MEMBERS ATTENDING

Mayor Keno Hawker, Mesa, Chair	* Eneas Kane, DMB Associates
Councilmember Ron Aames, Peoria	* Mark Killian, The Killian Companies/
Kent Andrews, Salt River Pima-Maricopa	Sunny Mesa, Inc.
Indian Community	Felipe Zubia, State Transportation Board
# Vice Mayor Gail Barney, Queen Creek	* Mayor Marie Lopez Rogers, Avondale
* Stephen Beard, SR Beard & Associates	Mayor Mary Manross, Scottsdale
Mayor Steven Berman, Gilbert	* David Martin, Citizens Transportation
* Dave Berry, Swift Transportation	Oversight Committee
Jed S. Billings, FNF Construction	* David Scholl
* Mayor Bobby Bryant, Buckeye	Mayor Elaine Scruggs, Glendale
Mayor James Cavanaugh, Goodyear	Mayor Lyn Truitt, Surprise
# Mayor Boyd Dunn, Chandler	* Supervisor Max W. Wilson, Maricopa County
* Mayor Hugh Hallman, Tempe	

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:08 p.m. The meeting of the Transportation Policy Committee was called to order by Chair Keno Hawker at 5:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited. A moment of silence was observed in memory of former Surprise Mayor Joan Shafer, who passed away the week before. A condolence letter to Mayor Shafer's family was circulated among the Council for signature.

Regional Council Chair Cavanaugh noted that Councilmember Robin Barker, Mayor Boyd Dunn, Mayor Art Sanders, and Vice Mayor Gail Barney were participating by teleconference.

Regional Council Chair Cavanaugh welcomed Victor Flores from the State Transportation Board as a new member to the Regional Council.

Regional Council Chair Cavanaugh introduced proxies for the Regional Council meeting: Vice Mayor Gilbert Lopez for Councilmember Dick Esser, Councilmember Paul Stucky for Mayor Tom Schoaf, Supervisor Don Stapley for Supervisor Max Wilson, Treasurer Pamela Mott for President Clinton Pattea, and Vice President Martin Harvier for President Diane Enos.

Regional Council Chair Cavanaugh noted materials at each place for agenda items #5I, #6, and #8. Transit tickets and parking validation were available to meeting attendees.

Regional Council Chair Cavanaugh stated that the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility has been postponed for one month and will be heard at the May 28, 2008 MAG Regional Council meeting. This item was postponed to allow time to investigate new information provided by the Salt River Project with regard to the clay layer analysis. Regional Council Chair Cavanaugh stated that the Salt River Pima-Maricopa Indian Community has indicated it has hired a consultant to further study this matter. The information from the consultant study will then be presented to the MAG Water Quality Advisory Committee for its review prior to the May 28, 2008 MAG Regional Council meeting. Regional Council Chair Cavanaugh requested that any issues MAG Regional Council members may have regarding this item be provided to the MAG staff as soon as possible. He noted that these issues will also be given to the Goldfield Preserve representatives so they can be thoroughly investigated and there can be a productive discussion and decision reached at the May 28, 2008 MAG Regional Council meeting.

3. Call to the Audience

Regional Council Chair Cavanaugh noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested not to exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Regional Council Chair Cavanaugh recognized public comment from Dianne Barker, who spoke about the Berlin candy drop of 1948. Ms. Barker reported on comments on the \$42 billion referendum she has heard from citizens that they want to be involved. One citizen said he did not want any skullduggery and another wondered what happened to the Proposition 400 money. Ms. Barker stated that she is still waiting to hear if the CTOC member is voting on behalf of himself or the entire commission when voting at MAG. She submitted a written statement that was entered into the permanent record. Ms. Barker stated that the 101, 202, and 303 circle the Valley. She stated that express bus corridors could move people around rapidly. She also suggested thinking differently and considering diagonal routes, similar to the Grand Avenue alignment. Regional Council Chair Cavanaugh thanked Ms. Barker for her comments.

4. Executive Director's Report

No report was provided.

5. Approval of Consent Agenda

Regional Council Chair Cavanaugh noted that agenda items #5A through #5J were on the consent agenda. Chair Cavanaugh asked members if they had questions or requests to hear an item individually.

Supervisor Stapley stated that he would like to invoke the weighted voting procedure under article XIII of the MAG By-Laws, which states under Section 1, A, that "if any member entity requests a weighted vote, the numerical vote shall have no force or effect unless concurred in by the weighted vote."

Supervisor Stapley moved to continue agenda items #5 and all its subparts, through #9, until such time as the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility is placed on the Regional Council's agenda for consideration for an up or down vote. Vice Mayor Neely seconded.

Dennis Smith, MAG Executive Director, stated that the MAG weighted voting procedure says that the Regional Council takes a vote first on the basis of one city, one vote. Then, if the weighted vote is called, it eliminates the first vote.

Supervisor Stapley noted his disagreement with Mr. Smith's explanation. He stated that according to the MAG By-Laws, the weighted vote is simply invoked by any member. Mr. Smith stated that

Supervisor Stapley was correct, but there must first be the one city, one vote, which is then followed by the weighted vote.

Supervisor Stapley stated that they had consulted with the County Counsel and they do not agree with that interpretation. Mr. Smith read from Article XIII, Section 1, A of the MAG By-Laws: "The Regional Council and Management Committee shall vote on all motions on the basis of one vote per member, except that the two Arizona Department of Transportation board members for District I on the Regional Council shall each have one vote. However, if any member entity requests a weighted vote, the numerical vote shall have no force or effect unless concurred in by the weighted vote." Mr. Smith noted that the members take the one city, one vote, then the weighted vote would follow. He stated that after the weighted vote is called, the first vote is off the table.

Supervisor Stapley stated that taking a one city, one vote first is not required. Fredda Bisman, MAG General Counsel, stated that the way Mr. Smith explained it is the way the By-Laws have been applied. She stated that the weighted vote process requires both numerical and weighted votes be taken.

Regional Council Chair Cavanaugh stated that before he called for a vote, he wanted to confirm that the motion was to continue items #5 and its subparts through #9 until the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility was on the agenda. Supervisor Stapley replied that was correct. He added that he would encourage a Regional Council meeting be called as soon as possible, and not wait until May 28th.

Regional Council Chair Cavanaugh noted that if the motion passed, this meeting would be fundamentally adjourned. Supervisor Stapley replied that was his intention. He commented that there had been a tremendous amount of discussion and lobbying related to this item. Supervisor Stapley stated that this is a small plant wastewater facility at Goldfield Ranch and has become one of the most politically heated battles at the Regional Council in recent times. He commented that this matter has been held from the agenda without consideration of other members. Supervisor Stapley stated that the Chair received numerous letters from member cities and the County requesting this be put on the agenda, and he disregarded them with little or no explanation. He stated that it has become clear that the rules of this volunteer association are ambiguous and unclear on respecting the wishes of the group. Supervisor Stapley stated that it is inconceivable that a quasi-government body can leave itself in the hands of one member. He commented that if a matter is to be considered by MAG, it should be considered on its merits and the charter intent of the organization. Supervisor Stapley extended his apologies to those who will have wasted their time attending the meeting if the motion prevails. He stated that he thought the matter is bigger than moving one issue. Supervisor Stapley asked Regional Council members how they would feel if they had a matter that should have been on an agenda but was unilaterally pulled from the agenda by the chair. He stated that the matter is about process, the politicizing of a simple matter. Supervisor Stapley stated that in the past, the Regional Council has acted almost unanimously and in a timely fashion on 208 items. He commented that it is time to change the way MAG does business.

Susan Goodwin, MAG Special Counsel for the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility, stated that because the item is not on the agenda, limiting discussion to the motion as to whether to invoke weighted voting to continue the agenda items is

appropriate. She advised that discussion of the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility matter was not appropriate. Ms. Goodwin stated that for questions on weighted voting in general she would defer to the MAG General Counsel. It was noted that MAG's General Counsel, Fredda Bisman, was also counsel for Ellman Companies and had declared a conflict of interest regarding discussions on the Goldfield Ranch facility.

Regional Council Chair Cavanaugh asked if there was reason to not proceed to a vote right now.

Mayor Berman expressed that he had a huge problem with weighted voting. He said that it tends to marginalize smaller cities. Mayor Berman commented that all members are important and all are at MAG meetings for a reason. He stated that weighted voting has a negative effect and thought it should be used only in extreme cases. Mayor Berman stated that this item was postponed for 30 days and asked Supervisor Stapley why not continue with the rest of the meeting.

Supervisor Stapley replied that he made the motion to continue agenda items #5 and all its subparts, through #9, until such time as the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility is placed on the Regional Council's agenda for consideration for an up or down vote. Ms. Goodwin advised that it was acceptable motion.

Mr. Zubia asked if there would need to be a motion for each item. Mr. Smith replied that a one city, one vote could be taken first either on all of the items or item by item, and then followed by a weighted vote if requested.

Mayor Hawker asked if the application for the Goldfield Ranch Water Reclamation Facility was pulled, would the Regional Council ever meet again? He added that he would dislike having meetings scheduled only if someone has an application pending or not.

Ms. Bisman replied that MAG has regularly scheduled meetings and she did not think that the motion has the power to defer regularly scheduled meetings, which are also set in the MAG By-Laws and procedures. Ms. Bisman stated that in her judgment, the motion defers the items only to the next regularly scheduled meeting.

Supervisor Stapley commented that he hoped to have a meeting before the next regularly scheduled meeting and as soon as legally possible.

Mayor Manross expressed that this was a poor way to do business. She said that she came to the Regional Council meeting expecting to have discussion and take action on some agenda items. Mayor Manross stated that this is occurring because of a request to take time to get answers to questions. She commented that she did not understand that taking one month or less to have answers to questions was a reason to hold up a meeting and discussion of important items.

Mayor Hawker asked if the TPC meeting could be severed from the Regional Council meeting and have the transportation discussion. Ms. Bisman stated that the motion could be amended if the maker wished to sever any of the items. Mayor Hawker noted that he was referencing agenda item #6.

Supervisor Stapley asked his proxy status on the TPC. Mr. Smith noted that proxies are not allowed on the TPC.

Supervisor Stapley expressed that he would amend the motion to allow TPC discussion of agenda item #6.

Vice Mayor Neely asked if the motion meant that the TPC could meet, but the Regional Council would not. Mayor Hawker noted that the TPC could meet and discuss agenda item #6.

Vice Mayor Neely stated that she seconded the motion because the City of Phoenix had submitted a letter requesting that the Goldfield facility item be put on the agenda. She said that she will be submitting a letter because MAG is an organization without governing rules of operation. Vice Mayor Neely stated that there was no process for add-ons, and that has become a situation of frustration. She stated that operational rules are needed and that is why she supported the motion.

Mr. Zubia called a point of order. He stated that the proposed amended motion was to allow taking off agenda item #6 and allow the TPC to meet. Since the meeting was advertised as a joint meeting, would it take an action of the board to sever one meeting and hold one. He asked if this does not take an action in and of itself?

Ms. Bisman stated that items were agendized as a joint meeting, she felt it was appropriate and legal to have a motion to sever that.

Mayor LeVault asked how anything not on the agenda could be a matter of discussion, motion and action. Ms. Goodwin stated that the Goldfield Ranch item that was not on the agenda was not technically under discussion. She said that the motion was artfully drafted for continuation of agenda items. Mayor LeVault stated that the Goldfield Ranch Water Reclamation Facility was included as part of the motion. Ms. Goodwin stated that she did not believe that the Regional Council was discussing the merits of the item.

Mayor Fulcher stated that the Goldfield Ranch Water Reclamation Facility was a fundamental part of the motion and he would question that.

Regional Council Chair Cavanaugh stated that there was a motion on the table to continue agenda items #5 and all its subparts, through #9, until such time as the Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility is placed on the Regional Council's agenda for consideration for an up or down vote. He noted that there was an amendment to separate the TPC meeting from the Regional Council meeting, but he did not hear a second. Chair Cavanaugh stated that for lack of a second, the original motion was on the table. He asked Ms. Goodwin to clarify yes and no votes. Ms. Goodwin stated that a yes vote would be to continue agenda items #5 and its subparts through #9 to the next Regional Council meeting. A no vote would not continue them.

Vice Mayor Lopez asked for clarification of proxy votes. Mr. Smith explained that proxy votes are allowed at Regional Council meetings and this was a Regional Council motion.

A roll call vote was taken and the motion failed by a vote of eight yes and 17 no, with Mayor Nichols, Mayor Hull, Mayor Scruggs, Councilmember Stucky, Mayor Winkler, Vice Mayor Neely, Mr. Zubia, and Supervisor Stapley voting yes, and Chair Cavanaugh, Mayor Manross, Councilmember Barker, Vice Mayor Lopez, Mayor Fulcher, Mayor Dunn, Mayor Waterman, Treasurer Mott, Mayor Berman, Mayor Jimenez, Mayor Hawker, Mayor Barrett, Mayor Sanders, Vice President Harvier, Mayor Truitt, Mayor LeVault, and Mr. Flores voting no.

Supervisor Stapley moved to invoke a weighted vote. Vice Mayor Neely seconded.

Mayor Berman asked about quorum requirements. Mr. Smith explained that in order for the weighted vote to pass, it needs a majority of members present representing a majority of the population of members present.

A roll call weighted vote was taken and resulted in eight yes and 17 no. The weighted vote was 59 yes weighted votes and 51 no weighted votes. Vice Mayor Lopez, Mayor Nichols, Mayor Scruggs, Councilmember Stucky, Mayor Winkler, Vice Mayor Neely, Mr. Zubia, and Supervisor Stapley voted yes, and Chair Cavanaugh, Mayor Manross, Councilmember Barker, Mayor Fulcher, Mayor Dunn, Mayor Waterman, Treasurer Mott, Mayor Hull, Mayor Berman, Mayor Jimenez, Mayor Hawker, Mayor Barrett, Mayor Sanders, Vice President Harvier, Mayor Truitt, Mayor LeVault, and Mr. Flores voted no. Mr. Smith noted that the motion failed because it did not pass the two requirements: a majority of members present and representing a majority of the population of members present.

Supervisor Stapley stated that the vote passed by weight. Mr. Smith stated that for a weighted vote to pass, it must pass two tests: by a majority of members present and a majority of the total population of all members present. Ms. Goodwin stated that Article XIII, Section 1, A, says, "if any member entity requests a weighted vote, the numerical vote shall have no force or effect unless concurred in by the weighted vote." She stated that Mr. Smith was correct in his explanation of weighted voting.

Supervisor Stapley stated that they had this researched by the County Civil Division, and that is not what the MAG By-Laws say. He commented that the By-Laws say the opposite: for a numerical vote to take precedence, it has to also match the weighted vote.

Mr. Smith stated that a weighted vote can block a numerical vote. For example, if 16 out of 30 members present vote yes, that vote will not pass if the 16 do not represent the weight of the region present. Supervisor Stapley stated that is not what the By-Laws say.

Mr. Zubia suggested restating the motion in the affirmative, requesting that the Regional Council proceed with the full agenda. Supervisor Stapley remarked that he was unsure how effective that might be.

After a short break, the meeting resumed. Ms. Goodwin stated that she had reviewed the MAG By-Laws, which state that "if any member entity requests a weighted vote, the numerical vote shall have no force or effect unless concurred in by the weighted vote." Ms. Goodwin also noted that an explanation of weighted voting was provided in the informational publication about MAG. She said she believed that Mr. Smith was correct in his explanation that for a weighted vote to pass, it has to pass both numerically

and by population of those present. Ms. Goodwin noted that the numerical portion of the vote did not pass.

Supervisor Stapley stated that he would not belabor the point, but asked Ms. Goodwin if her opinion was based on the MAG By-Laws or the staff publication, and if based on the publication, had it been approved by the Regional Council. Ms. Goodwin advised that her opinion was not based on the MAG publication. She added that she mentioned that the publication was helpful in understanding weighted voting, but was not the basis for her determination.

Supervisor Stapley requested going on record as objecting to this interpretation, and expressed his appreciation for the opportunity to move this forward.

Regional Council Chair Cavanaugh called for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5J. Mayor Hawker moved, Mayor Winkler seconded.

Before a vote was taken, Regional Council Chair Cavanaugh recognized public comment from Woody Thomas, who commented on agenda item #5D, MAG Commuter Rail Strategic Plan. He passed out an article written in the *Westsider* newspaper in 1969 about constructing a subway to alleviate congestion. Mr. Thomas expressed his desire that the commuter rail plan not sit on a shelf but be an operating document to move rail forward. He noted articles in the newspaper that morning about new EPA standards and the communities that will be affected, and the high gas and oil prices and their effects. Mr. Thomas pointed out the employment areas shown in the map on page seven of the report and how they match up in each city. He stated that the estimated cost of a regional commuter rail system is \$2 billion, but so is the cost for the South Mountain and Loop 801. Mr. Thomas stated that each serves one portion of the population rather than a system to serve the entire region.

With no further discussion, the motion to approve the Consent Agenda passed unanimously.

5A. Approval of the March 26, 2008 Meeting Minutes

The Regional Council, by consent, approved the March 26, 2008 meeting minutes.

5B. Project Changes: Amendments, and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program

The Regional Council, by consent, approved amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update, as shown in the attached table. The FY 2008-2012 MAG Transportation Improvement Program (TIP) was approved by Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The proposed amendments and administrative modifications to the FY 2008-2012 TIP are listed in Table A. The amendments include adding the noise reduction study at ADOT, repackaging of two City of Tempe projects into one, and adding six Transportation Enhancement Projects that were approved by the ADOT Board in November 2007. An administrative modification does not require a conformity determination. The Transportation Review Committee and the Management Committee recommended approval of

these project changes. Since the Management Committee's recommendation, there has been an additional project identified by the City of Chandler that requests a modification. On April 16, 2008, the Transportation Policy Committee recommended approval of the project changes.

5C. ADOT Requested Change to Statewide Transportation Acceleration Needs (STAN) Projects

The Regional Council, by consent, approved the ADOT request to decrease the funding by \$1.0 million for the I-10: Sarival to Verrado Way project and increase the funding by \$500,000 each for the L303: Bell Road crossing and for the L303: Cactus and Waddell Road crossing projects. ADOT requested that a small change in the funding from the State Transportation Acceleration Needs (STAN) account that was approved by MAG in December 2006 be modified slightly to decrease the funding by \$1.0 million for the I-10: Sarival to Verrado Way project and increase the funding by \$500,000 each for the L303: Bell Road Crossing and for the L303: Cactus and Waddell Road Crossing projects. This has determined that the \$1.0 million is not required to complete the I-10 project and the additional funding is needed for the L303 projects. There is no fiscal impact on the MAG Freeway Program. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval of the project change.

5D. MAG Commuter Rail Strategic Plan

The Regional Council, by consent, accepted the Commuter Rail Strategic Plan as the guiding implementation framework for commuter rail, and for MAG to proceed with the first four implementation steps identified on page nine of the Executive Summary: 1) Ongoing Coordination; 2) Union Pacific Passenger Rail Coordination; 3) Burlington Northern Santa Fe Railway Coordination; and 4) Regional Transit Planning. Since February 2007, MAG has been working on a Commuter Rail Strategic Plan, which will establish a framework for implementing commuter rail service in Maricopa County and northern Pinal County. The MAG consultant provided project briefings to the Management Committee, Transportation Policy Committee, and Regional Council in November and December 2007. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended acceptance.

5E. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning and permits. ADOT has forwarded a list of notifications from July 1, 2007, to December 31, 2007. ADOT received 548 Red Letter notifications in the period from July 1, 2007 to December 31, 2007. Of the 548 notices received, 130 had an impact to the State Highway System. Upon request any of the notices can be removed from the consent agenda and returned for action at a future meeting. This item was on the agenda for information and discussion.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on conformity assessments for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program. The proposed amendment includes the addition of six Valley Metro Transportation Enhancement funded projects in fiscal years 2008, 2009, and 2010, and a new Arizona Department of Transportation (ADOT) Noise Reduction Study project in FY 2008. In addition, an administrative modification is required for the repackaging of City of Tempe pedestrian and bicycle facility projects on College Avenue, and to increase funding for two ADOT projects. Since this item was on the Management Committee for consultation, there has been an additional project identified by the City of Chandler that needs a modification. The amendment includes projects that may be categorized as exempt and minor project revisions that do not require a conformity determination. The comment period on the conformity assessments was extended to April 23, 2008. This item was on the agenda for consultation.

5G. Discussion and Update on the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in April by the federal agencies and approved by the Regional Council in May. The proposed budget information is being presented incrementally in parallel with the development of the budget information. This presentation and review of the FY 2009 MAG Unified Planning Work Program and Annual Budget represent the budget document development to-date. Due to current economic conditions, MAG is proposing no increase in estimated dues and assessments. The individual member dues and assessments may change due to population allocation, but the overall dues and assessments total of \$606,550 remains the same amount as FY 2008. Each year new projects are proposed for inclusion in the MAG planning efforts. These new project proposals come from the various MAG technical committees, policy committees and other discussions with members and stakeholders regarding joint efforts within the region. These projects are subject to review and input by the committees as they go through the budget process. The proposed new projects for FY 2009 were presented at the February 13, 2008 Management Committee meeting, the February 27, 2008 Regional Council meeting, and the March 17, 2008 Regional Council Executive Committee meeting. The new project requests have been revised and included in an updated FY 2009 "MAG Programs in Brief." Since the new projects for FY 2009 were presented in March, there have been two changes to the project list. An Air Quality Associate for \$80,000 has been deleted and a transportation project entitled, "MAG Travel Demand Modeling - Pinal County Review," has been added for \$80,000. The MAG Travel Demand model extends far into Pinal County and the travel demand in Maricopa County also reflects the population and economic activity in Pinal County. As input, the model uses socioeconomic projections and the road network in Pinal County. Using the planning resources and data that have been collected by CAAG, CAAG will provide the review and changes necessary to accurately portray the projections and transportation network in Pinal County. The FY 2009 budgeted expenses for MAG show an overall increase of about 1.6 percent from last year. This increase is due to a budgeted increase in contingency from 10 percent to 15 percent. Setting contingency as 15 percent of operating expenditures is a recommended best practice by the Government Finance Officer's Association. Capital Expenditures for FY 2009 have been reduced by 50 percent from the prior year. The majority of MAG's capital equipment inventory is computer hardware which is on a replacement cycle of approximately every three years. Unless additional capital is being added to the overall inventory, the budgeted capital

costs remain constant. MAG staff has an annual performance evaluation in June and based on performance, salary increases that average up to five percent may be considered. There are no new staff positions being requested for FY 2009 and FTE at MAG remains at 75.25. The Intermodal Planning Group meeting was held on April 2, 2008. This meeting included a review and comments on the draft FY 2009 MAG budget by the Federal Highway Administration, the Federal Transit Administration (FTA), ADOT, EPA, and other related parties. The overall comments from this meeting were extremely positive regarding the project work that MAG has underway and planned in meeting the SAFETEA-LU requirements. Specifically the comments from the FTA stated that the MAG Work Program is thorough and covers the key point successfully. FTA noted that the Coordinated Human Services Plan and report of activity are especially important this year because some FTA funds will lapse prior to October 1, 2008. This item was on the agenda for information.

5H. Revision to the Social Services Block Grant Allocation Recommendations

The Regional Council, by consent, approved that the revised Social Services Block Grant (SSBG) allocation recommendations for FY 2008-2009 to be forwarded to the Arizona Department of Economic Security. On February 27, 2008, the MAG Regional Council approved the allocation recommendations for the locally planned Social Services Block Grant dollars be forwarded to the Arizona Department of Economic Security (DES). On March 13, 2008, the MAG Human Services Technical Committee recommended approval of moving \$55,693 from the pregnant/parenting youth category to the basic needs category in the same target group. This revision will allow the agency that receives the funding, the City of Phoenix, to better utilize these funds while continuing to offer services to pregnant teens through other programs. The program that has historically received these funds has been eliminated. This revision will leave \$38,283 in the pregnant/parenting youth category for use by other agencies. The MAG Human Services Technical Committee and the MAG Management Committee recommended approval of the revision.

5I. Nominating Committee

Each April, the Chair of the Regional Council appoints a five-member Nominating Committee from the Regional Council. According to the Nominating Process, revised by the Regional Council in April 2002, the Nominating Committee develops a slate of seven candidates. These candidates include a Chair, Vice Chair, Treasurer, the Past Chair, and three members at-large. If the Past Chair is not a current member of the Council, the Nominating Committee nominates an additional at-large member. The past Chair of the Regional Council, if still a current member, serves as Chair of the Nominating Committee. The Nominating Committee is required to provide a balanced slate of officers. The slate of nominations is forwarded to all of the Regional Council members at least two weeks prior to the annual meeting in June. The members of the Nominating Committee include Mayor Keno Hawker, Mesa, Chair; Mayor Boyd Dunn, City of Chandler; Mayor Ed Winkler, Town of Paradise Valley; Mayor Bob Barrett, City of Peoria; and Mayor Michael LeVault, Town of Youngtown.

5J. Regional Office Center Update and Consideration of Executive Committee Actions

The Regional Council, by consent, approved 1) Analyzing the current agency leases and project staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative

budget to consider at different development sites; 2) Directing staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 3) Requesting David Kaye, the owner of the property at 1st Avenue/McKinley, to negotiate a first right of refusal on the property and terminate the payment of \$38,000 per month. At the March 26, 2008 Regional Council meeting, the future of the Regional Office Center project was discussed. Staff was directed to invite the partnering agencies (MAG, RPTA, METRO), and the Arizona Municipal Water Users Association (AMWUA) to participate in a joint meeting of the boards to discuss the issues involving the Regional Office Center Project to determine if the project will move forward. To prepare for this joint board meeting, staff was directed to work with the other three regional agencies to schedule a preliminary meeting, consisting of policy board members and directors, to identify the issues that are outstanding for each of the agencies. On April 7, 2008, the pre-meeting was held and steps were identified to move the project forward. It was determined that the respective agencies would consider these steps at their April board meeting. On April 14, 2008, the MAG Regional Council Executive Committee reviewed these steps and recommended the following: 1) Analyze the current agency leases and project staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative budget to consider at different development sites; 2) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 3) Request David Kaye, the owner of the property at 1st Avenue/McKinley, to negotiate a first right of refusal on the property and terminate the payment of \$38,000 per month.

6. Transportation Planning Update and Discussion and Input on the Preliminary Critical Needs Definition Document

Regional Council Chair Cavanaugh stated that this was now the beginning of the joint meeting. He noted that for the past three years, MAG has been engaged with the regional planning organizations throughout Arizona to work collaboratively to address Arizona's growth and transportation issues statewide. Chair Cavanaugh noted that the item was on the agenda for information, discussion, and input on the critical needs document.

TPC Chair Keno Hawker extended his compliments to Mayor Cavanaugh for the extensive amount of work he had done with the State Councils of Governments (COGs) and Metropolitan Planning Organizations (MPO) Association, ADOT, and their regional organizations. Chair Hawker congratulated the Governor and the TIME Coalition for their efforts. He stated that former Phoenix Mayor Skip Rimsza tried to promote a statewide sales tax for transportation years ago, but the effort was unsuccessful. Chair Hawker expressed his appreciation for the framework studies being done statewide to allow for an analysis of technical needs. He stated that growth patterns, economic development, transportation, land use and water availability will be critical components. TPC Chair Hawker stated that a statewide election is an ambitious plan, and he was concerned with the lack of detail, and that is why he wanted a joint meeting. He stated that he refers to the congestion maps to show what will happen if improvements to the infrastructure are not continued. He indicated that he was hoping to get more data on the dollar magnitude and the timeframe, in order that modeling could be done. TPC Chair Hawker stated that this could show the benefits that could result from spending \$42 billion. He stated that many of the MPOs are allocated a dollar magnitude, and this region needs to prioritize so there is not a bloodbath in two years as to who gets what money. TPC Chair Hawker stated that he would like more specificity and that is why he wanted a joint meeting to discuss what this ambitious proposal is about.

Kelly Taft, MAG Communications Manager, provided a presentation on a statewide survey of residents. She stated that in order to provide input into the statewide proposal, the Regional Council approved that a statewide survey be conducted to measure regional and statewide public attitudes, opinions, and interests relevant to addressing transportation needs, including potential solutions and timing. Ms. Taft stated that the main survey will be a telephone poll of 1,200 high efficacy voters that can be analyzed by three subareas: Maricopa County, Pima County and the balance of the state. Ms. Taft stated that following a procurement process, the firm of WestGroup Research was selected to conduct the survey.

Ms. Taft stated that along with the telephone survey, WestGroup recommended that focus groups be conducted to talk more in depth with residents around the state about the main transportation issues they are experiencing and their preferred solutions. Ms. Taft stated that focus groups were conducted in March in Yavapai, Pima and Maricopa Counties. In the Maricopa group, participants were recruited equally from the East, West and Central Valleys.

Ms. Taft stated that respondents' demographics were distributed among gender, age, income level and employment. She noted that while transportation appears to rank behind other issues such as the economy and immigration, all groups agreed that transportation is a critical concern facing the state as well as local areas. Ms. Taft added that congestion, construction, planning and transit were consistently offered as the primary transportation issues or problems facing the local areas. She noted that voters seem to recognize that a lack of funding is a key contributor to the congestion being experienced. Ms. Taft advised that there also was a prevailing attitude that there has been a failure to adequately plan and prepare for growth. When asked who they thought was responsible, a number of respondents referenced ADOT, the State Legislature and a general lack of cooperation among leaders at all levels of government.

Ms. Taft stated that many respondents expressed a strong desire for information about how the transportation planning process occurs and what role they can play in influencing the desired solutions. She pointed out that they also want accountability in any plan to make sure they receive what is promised. Ms. Taft stated that overall, the groups seemed willing to pay for transportation improvements, as long as they felt they could trust the process.

Ms. Taft reported that the participants expressed a desire for a multimodal plan, and most supported the solutions that directly impacted them or their region. She said that when the respondents were asked what options they would support even if additional taxes were needed, many favored transit solutions, especially if gas prices remain high. She advised that the respondents overwhelmingly opposed toll roads, especially converting existing roads to toll roads. Ms. Taft noted that some people indicated they might support toll roads if they are built as alternatives to existing freeways where commuters have a choice as to whether to use them.

Ms. Taft then reviewed the funding option preferences. She said that participants most favored dedicating future growth in tax revenue to transportation, followed by increased developer fees and a statewide sales tax. The least support was given to the options of paying a personal income or statewide property tax and taking funding from other programs.

Ms. Taft stated that respondents indicated that 2008 was not feasible due to the economic climate. Most respondents also saw value in waiting until statewide framework studies were completed and more public involvement was conducted.

Ms. Taft stated that the telephone survey is expected to take about three weeks to complete, after which WestGroup will analyze the findings and present them to the Regional Council and TPC at their May meetings.

Eric Anderson, MAG Transportation Director, provided an overview of the planning principles and factors that are applicable to the MAG region. He noted that there are three investment principles that came out of the National Surface Transportation Policy and Revenue Study Commission, which was set up under SAFETEA-LU to look at overhauling the federal transportation system in terms of funding and programs. Mr. Anderson noted that the principles are: (1) Investments should be tied to specific desired systemwide performance objectives. (2) Potential investments should be subject to quantitative analysis to identify their benefits and costs. (3) Investment decisions should be influenced by economic, environmental, and energy considerations beyond the immediate transportation-related objectives.

Mr. Anderson stated that federal planning requirements say that state agencies shall provide a coordinated process with MPOs, include a proactive Public Involvement Process, cooperate with MPOs on the portion of the plan affecting MPO areas, and, in nonattainment areas, the MPO shall not approve any transportation plan, program or project which does not conform with the SIP.

Mr. Anderson stated that MAG must follow statutory requirements, which say that the Regional Transportation Plan (RTP) must be developed to meet federal air quality requirements established for the region, MAG must approve any change that affects the planning agency's plan or transportation improvement program, including project priorities, consultation among agencies for major amendments to the RTP, and that MAG develop criteria to set project priorities.

Mr. Anderson stated that the Casa Grande Resolves were a set of seven principles agreed to by a group of transportation professionals in 1999. He noted that the seven principles were included in the copy of the presentation at each place. Mr. Anderson stated that the Casa Grande Resolves established that there would be one multimodal transportation planning process in each region to avoid multiple plans being developed, and includes early and regular dialogue and interaction. Mr. Anderson noted that the Casa Grande Resolves did not set a funding formula; that is determined by the Resource Allocation Advisory Committee (RAAC), which makes a recommendation to the ADOT Director. He explained that in one of the first meetings of the RAAC in 2000, it was agreed that the MAG region would receive 37 percent of the state highway program. Mr. Anderson noted that this is over and above other revenue coming to this region, such as the statutorily earmarked funds from ADOT for the MAG freeway program, and the CMAQ and STP federal funds. He stated that if the return was dollar for dollar, the MAG region's share would be closer to 43 percent, but it was realized the Maricopa region would need to be a donor region. Mr. Anderson advised that new revenue sources, however, need to be looked at incrementally. He noted that two-thirds of the sales tax revenue would be generated in Maricopa County and its share should be higher than existing revenue sources.

Mr. Anderson noted the four dimensions of equity: The first dimension of equity is funding: What is the funding source and who pays? The second dimension of equity is participation: Is there broad ownership of the plan? The third dimension of equity is long-term impacts: What problems are being addressed—congestion, mobility options, connectivity? The fourth dimension of equity is access: What is the return on investment (donor/donee)?

Mr. Anderson stated that an urban mobility study by the Texas Transportation Institute shows the “time tax” this amounts to 82 million person hours in Maricopa County, and an annual cost of \$1.7 billion in terms of delay in 2005. He commented that the MAG region is by far the most congested area in Arizona.

Mr. Anderson stated that there will be an increased demand for transit due to high fuel prices, aging population, and environmental benefits. He also noted that a significant increase in public demand is expected following the opening of light rail in December 2008.

Mr. Anderson stated that due to increased costs there is a hole in the core part of the freeway program estimated at \$4 billion to \$4.5 billion. He noted the need for approximately \$6 billion to fully fund the I-10 Collector Distributor System, and funding for I-17 at the Durango Curve and south of the Arizona Canal. Mr. Anderson stated that additional resources could provide the MAG region with the ability to accelerate Proposition 400 projects. Mr. Anderson stated that the cumulative funding deficit for streets is estimated at \$9 billion in this region. He advised that municipalities are given one-half of the Highway Users Revenue Fund for streets, which has decreased largely as a result of the gas tax not changing since 1991. Mr. Anderson noted that the MAG region represents approximately 60 percent of the population and 67 percent of the sales tax generation. He noted that in a letter thanking the Governor for the critical needs list, the request was made for scope, schedule, and budget.

Victor Mendez, the Director of the Arizona Department of Transportation, presented an overview of the state’s package. He noted that other members of the state’s team were available for questions, Noah Kroloff, the Governor’s Deputy Chief of Staff; John McNamara of DMJM+Harris, the chief planner and consultant; and Marty Shultz and Jack Lunsford from the TIME Coalition.

Mr. Mendez stated that the red dot maps that have been shown on many occasions, really do tell the story of the future. He stated that the MAG region is the engine for the state, but Arizona is at a funding crossroads and is not keeping pace with the growth it has experienced.

Mr. Mendez spoke about the transportation challenges of the MAG region: congestion, circulation and connectivity to the rest of the state. He stated that common sense priorities need to be addressed. Mr. Mendez stated that the policy committees on the framework studies have debated the issue of how to establish priorities. He reported that Regional Council Chair Cavanaugh had asked the committees to look at the common sense priorities that all can begin to agree on and they incorporated that guidance. Mr. Mendez advised that the critical needs are based on past planning and statewide input.

Mr. Mendez commented that the state is at a critical point and it is important to act now, invest in the state’s communities, and preserve quality of life. He stated that Maricopa County is the economic engine for the state and the question is what can be done to keep it intact. Mr. Mendez stated that the

critical needs package offers an opportunity to offer transportation projects sooner than planned. He remarked that he was before the Regional Council and Transportation Policy Committee to discuss statewide concerns, but he understood what is being faced by Maricopa County.

Mr. Mendez spoke about the “time tax” and that it causes people to sit in congested traffic every day. He stated that each area has grown differently – the transportation needs of Tempe differ from the needs of the West Valley – and more than a one-size-fits-all solution is needed. Mr. Mendez stated that the shortfalls in the current program, cost increases and decreases in transportation revenue are affecting everyone.

Mr. Mendez stated that his office tried to bring all of the MPOs and COGs to the table to outline the critical needs and assessments solution. He said that within this solution they tried to address diverse needs throughout the state. Mr. Mendez stated that they took guidance on common sense priorities and have had planning, debate and study over the years to help identify what the true needs are. He said that the solution is to have more diverse modes, more public transportation, accelerate Proposition 400 projects, and funding to provide relief to funding shortfalls.

Mr. Mendez stated that there are four components to the \$42 billion statewide funding scenario: 58 percent or \$24.698 billion toward strategic highway projects, 18 percent or \$7.665 billion toward strategic rail and transit projects and programs, 20 percent or \$8.517 toward local mobility projects and programs, and four percent or \$1.703 billion to transportation enhancement and walkable/bikeable communities.

Mr. Mendez then provided a breakdown of the first component, the strategic highway projects. He advised that 45 to 50 percent of the \$24.698 billion in strategic highway project funds would be committed to MAG. Mr. Mendez displayed a slide of projects and pointed out that the projects listed in the right column were projects already in the MAG RTP; the projects in the left column were potential projects that could be added to the program. Mr. Mendez stated that they identified projects with a panel of experts that included MAG. He acknowledged that the package would need to follow the MAG prioritization process followed by the modeling and conformity processes.

Mr. Mendez then provided a breakdown of the second component, the strategic rail and transit projects and programs. He said that the package proposes that \$1.2 billion be committed to public transit projects and programs and \$2.3 billion be committed for commuter rail for the MAG and PAG areas. Mr. Mendez noted that there are three components within that for the MAG region, commuter rail along Grand Avenue, from Buckeye to the central city, and the East Valley to the central city; \$4.1 billion for high speed intercity rail from Phoenix to Tucson; and high speed rail from Phoenix to northern Arizona, to Prescott or the Williams area.

Mr. Mendez then provided a breakdown of the third component, local mobility projects and programs. He stated that they propose allocating 60 percent of this category to the MAG region for distribution to cities, towns and the county on a population basis. Mr. Mendez explained that the funds would go directly to cities and allocated using the usual budgeting and priority processes in place.

Mr. Mendez then provided a breakdown of the fourth component, transportation enhancements and walkable/bikeable communities. He said that they propose that 60 percent of the funds in this category be allocated to the MAG region for distribution on a grant application basis. Mr. Mendez explained that currently, there is a similar program in place statewide, where jurisdictions compete for enhancement funds through a grant application process.

Mr. Mendez stated that they believe the solutions they proposed have identified strategic highways, rail transit components, local mobility priorities, and conservation.

Regional Council Chair Cavanaugh recognized public comment from Mr. Thomas, who said that he took exception to the inclusion of street intersections in a regional plan. Mr. Thomas stated that intersections should be done by the cities and towns, and he did not see a need for the state to be involved in that. He commented on the critical needs and stated that it all comes back to growth. Mr. Thomas stated that a process exists in our constitution for taxation, which is the excise tax, to offset the impact from an activity. He stated that there are impact fees, but one of the components missing with the excise tax was the housing industry. Mr. Thomas said that Greg Vogel reported that developers are walking away with 30 to 40 percent profit. He spoke about the air quality advantages of commuter rail. Mr. Thomas stated that he was not sure of a solution for the I-17 problems, which are indicative of how far behind we are. Chair Cavanaugh thanked Mr. Thomas for his comments.

Mayor Manross reiterated her concern that the TPC took several years to put together the Regional Transportation Plan and it took Scottsdale two years to do its own 20-year plan. Mayor Manross expressed her belief that this process is too rushed. She said that she understood the need for regional and statewide plans for transportation, but this does not have enough accountability and she saw no sense of equity. Mayor Manross stated that Scottsdale and Phoenix will contribute more than 42 percent of all of the statewide dollars, but the critical needs package shows an imbalance. She commented on having a reasonable proportionality between investments and sources of revenue that will pay for the investments. Mayor Manross stated that not enough questions have been answered, the critical needs and delineation of processes are too vague, and rushing it decreases the chance of success.

Vice Mayor Neely stated that the City of Phoenix thinks the process needs significant changes. Regarding the 58 percent toward the strategic highway projects fund, it contains no specific plans, programs, or commitments for allocating the funds. She remarked that ADOT has sole control over the funds and could use them in any proposed use authorized under law. Vice Mayor Neely stated that Phoenix believes the funds will be returned to the MAG region, but with no specific language guaranteeing that, there is no assurance of any return. She commented that the entire amount could be spent anywhere in the state and the City of Phoenix believes specific language is needed. Vice Mayor Neely stated that the draft contains a line item funding proposal for light rail in the Phoenix metro area and Tucson has been added to local transportation funding category which increases the funding to Phoenix, but at the expense of the streets funding they had sought. Vice Mayor Neely stated that they believe light rail should be funded from the public transportation fund and should be specifically earmarked. She stated that the proportion of funds allocated to local transportation funds is less than needed. She said they suggested to the state a minimum of 30 percent be allocated. If this proposal becomes law, it is unlikely that VLT or gas tax will occur. Vice Mayor Neely stated that it appears that any increased revenue to street improvements must come from the sales tax. She stated that 20 percent

is insufficient, the tax presents a lack of guarantees, does not provide sufficient funding for transit, and underfunds streets needs. Vice Mayor Neely reported that Phoenix raised these issues and believes they need guarantees and more specifics to move forward.

Regional Council Chair Cavanaugh and TPC Chair Hawker recognized public comment from Marty Shultz. Mr. Shultz was provided additional time to speak. He stated that he was here to describe the TIME Coalition initiative. Mr. Shultz advised that he was involved in the Proposition 300, Proposition 400, and other transportation processes, and served on the TPC and on the federal commission. Mr. Shultz noted that the TIME Coalition went around the state attempting to engage the MPOs and COGs involved in the framework studies. Based on the Coalition's analysis, the time for action is now – sooner than later. Mr. Shultz stated that it is the Coalition's belief that based on 29 percent of the system that is congested, it is very clear that this is the time to put additional revenue into the system. Based on the framework studies plan, they would be unable to be on the ballot until 2012, and it then takes five to eight years to get a service up and running and then you are at 2020. Mr. Shultz stated that the Coalition concluded that 2008 was appropriate for an election because of the following reasons: It is a general election with an expected turnout rate of 80 percent and analysis and public opinion polls show that people are concerned about changing the constitution of Arizona, which would be required to hold an off-year election, such as 2009. Mr. Shultz stated that it is the belief of many political analysts that since 2010 is a gubernatorial year with an open seat, it would be problematic for a statewide sales tax election. He said that based on public opinion polls he thought the state's citizens would not want to wait for a future election. Mr. Shultz remarked that the package is a work in progress. The TIME Coalition's intent is to finish an initiative, which would feature a source of revenue to raise \$42 billion over 30 years to fund the critical needs package. Mr. Shultz stated that the initiative language was expected early the following week and people could see that what they asked for was included in regard to where the money is going. He commented that the pots of money are generally consistent with what Mr. Mendez reported. Mr. Shultz stated that their objective was to go to the streets and gather signatures before the July 3rd deadline. He stated that he had been involved in this process for a long time and recognized the frustration of the cities and towns, which have individual challenges. Mr. Shultz commented that Mayor Cavanaugh, Mr. Smith and Mr. Anderson pulling this together statewide is on target. He stated that the Governor and the TIME Coalition believe that transportation infrastructure should be looked at in its entirety. Mr. Shultz stated that they understand that the political and planning structure would not get us there until 2012, which they find unacceptable and that is why they are taking these steps to put out an initiative.

TPC Chair Hawker stated that the initiative language would be important to see. He asked Mr. Mendez if their premise was to first come up with funding and then figure out the needs that could be addressed. Mr. Mendez replied that the results of the reconnaissance study provided broad impacts on a statewide basis. Then the regional framework studies emanated. Mr. Mendez advised that the Governor wanted the critical needs to 2030 determined quickly. She said to work with the planning experts. Mr. Mendez stated that they compiled all of the information on needs, and this totaled \$160 billion. The next task was to pare it down. Mr. Mendez stated that they looked at scenarios, such as increasing the gas tax, but settled on a sales tax increase of one cent, which generated the \$42 billion.

TPC Chair Hawker asked what would qualify a project to be a part of the \$42 billion, or does each project have to fight for a place in the \$42 billion to see if it can still qualify. Mr. Mendez stated that

they actually know specific elements. He said that in the MAG region, ADOT does not have full planning authority, so ADOT is suggesting there are several elements they can address in the MAG region. Eventually, they will have to take it through the MAG planning process. Mr. Mendez stated that funding shortfalls could be backfilled or RTP projects accelerated, or other projects that they identified in common sense issues, such as the mini-stack. He advised that there is a listing of projects that they need to go through with MAG on what could be done in the MAG region.

TPC Chair Hawker stated that Mr. Mendez mentioned the MAG region would receive 45 percent to 50 percent of the strategic highway projects fund. He commented that this was a huge difference and asked when would they know the number. He also asked when, before the vote, they would have a list of projects, a timeframe, and dollar figure spent on those projects. Mr. Mendez stated that the strategic highway projects component amount will be known in a week to ten days because it has to be in concert with the initiative language.

TPC Chair Hawker asked how they know the timeframe when the money will be released. Mr. Mendez stated that it would not be unlike the current revenue streams where the money comes in over a period of time. He explained that the way they accumulate the funds to be able to build projects is to bond in order to bring the money forward.

TPC Chair Hawker asked how much specificity would he be able to give his voters in regard to dollar magnitude and timeframe. Mr. Mendez replied that elected officials would be able to tell their voters on the strategic highway projects that specific projects that will be funded. He added that MAG would need to make backfill projects as a priority decision. TPC Chair Hawker asked if the decision making process would be a joint process. Mr. Mendez replied that was correct.

TPC Chair Hawker asked if projects would be listed specifically so voters will know what project, when the project will be constructed, and how much the project will cost. Mr. Shultz stated that the plan is that the initiative is the framework for the source of revenue and pots of money will be consistent with the critical needs package and certain pots of money in generalities. He noted that the package would be reviewed and approved by the State Transportation Board in time to file with the Secretary of State on July 3rd.

TPC Chair Hawker asked if he would need to wait until July 3rd to get specific information. Mr. Shultz replied that was true for the official document. However, prior to this time, projects and pots of money are being vetted, and will be known well before July 3rd.

Mayor Waterman asked how it was determined to settle on sales tax as the funding source when it was third on the list of those participating in the WestGroup survey. He noted that people indicated their preference for the other two sources. Mayor Waterman noted that in addition, with the extra percentage, cities and towns may not be able to utilize a sales tax for their own needs because this exceeds what anyone will want to pay for sales tax. Mayor Waterman asked why everyone was so set on sales tax by itself when people indicated there were two other options that were politically acceptable. Mr. Mendez stated that they listened to concerns and continued to make changes. He indicated that they heard that concern statewide and conveyed it to the Governor, and she conveyed it to the TIME Coalition. Mr. Mendez commented that the TIME Coalition's initiative is a private initiative. Mr. Shultz stated that

the sales tax raises \$42 billion over 30 years. He acknowledged that other sources are under consideration and will be finalized at the end of this week in order to get out the initiative as soon as possible. Mr. Shultz stated that the only delay is their legal team is working through complications because they want to ensure it is correct and legal. Mr. Shultz noted that they realized there is a problem with the level of sales tax. He commented that in some communities, it is not considered regressive because they do not have a tax on food or medicine. Mr. Shultz stated that in 1985, when he was promoting Proposition 300, they were told one-half cent would break the state. He expressed his appreciation that the sales tax rate is not the highest in the nation. Mr. Shultz expressed that everyone benefits from transportation and this is the most efficient way from a tax policy standpoint. The gas tax is becoming the least efficient source of transportation revenue.

Mayor Barrett commented on other revenue sources. He expressed his concern that it will be devastating to a city if its ability to raise funds for city needs is taken away. Mayor Barrett asked about taxing those items not being taxed, such as services. Mr. Shultz stated that he did not disagree, but the implication is creating a uniformity for sales tax. If they could go through the planning process and get to the ballot earlier than 2012, then they might change the state law and change the categories now exempted. Mr. Shultz stated that this was the first time they had heard that suggestion to apply the sales tax to those categories. Mayor Barrett encouraged giving serious consideration to applying tax statewide in this manner. Mr. Shultz stated that if the state changed the categories to include services, cities would probably change city sales tax as well. He commented that the reason the state is in this dilemma and taking action is because of growth. Mr. Shultz commented that it is time to move and get revenue to do projects that enhance the state's transportation system, alleviate congestion, and improve on the multimodal nature as the population becomes more dense.

Councilmember Aames stated that he liked the overall vision of the plan because it is comprehensive, but specific funding for light rail is missing. He commented on focusing more on where congestion is occurring than focusing on Phoenix to Tucson. Councilmember Aames stated that he sees too much money toward high speed rail and would like to see more money to light rail. He asked the distribution of payment to Maricopa County for public transit rail. Mr. Mendez replied that the high speed rail allocation is not broken down by county. He indicated that if the amount was broken down, a lot would be allocated to the MAG region. Mr. Mendez stated that what they are saying is that this is a statewide issue and handled through ADOT, not allocated to specific counties. That is why there are not individual allocations to counties on high speed intercity rail. Mr. Mendez noted that the local mobility program would distribute 60 percent to the MAG region and would be allocated on a population basis. He added that the transportation enhancements pot commits 60 percent to the MAG region for regional purposes.

Councilmember Aames asked about light rail funding. Mr. Mendez replied that they built light rail into local mobility projects. At one time they included \$1 billion, but as they increased local mobility, they built in the light rail component as a local issue. Councilmember Aames noted that the City of Phoenix objects to that and Phoenix is an important partner here. Mr. Mendez expressed his agreement and said that they feel they need to go through the details on a local basis.

Mr. Lunsford stated if the tax base is expanded, it would result in a single subject issue related to the state constitution and that would require two ballot questions or would complicate the issue, because one revenue stream would be dependent on the other.

No comments were received from those teleconferencing.

Regional Council Chair Cavanaugh stated that it is important to be able to tell the Governor the concerns of the MAG Regional Council and TPC. He indicated that he felt gratitude to the Governor, Mr. Kroloff, and Mr. Mendez for their efforts to find a solution to the transportation crisis. Regional Council Chair Cavanaugh stated that everyone needs to move ahead together. He stated that when requirements are under-defined or ill-defined, \$42 billion is too much money. Regional Council Chair Cavanaugh stated that a one percent sales tax is harmful to cities and towns because it limits their future flexibility, by taking their sales tax rates of eight to ten percent to rates of nine to eleven percent. He said he had suggested a two-part program at the April TPC meeting. Part one would reduce the 2008 program to requirements, for example, I-10 and I-17. Regional Council Chair Cavanaugh expressed that it would be wrong to wait because there is an initiative underway, but he had concerns about funding being applied to projects not defined. He stated that the framework studies would be completed in 2009, which involves the transportation needs for more than 50 years. A plan resulting from the studies then could be presented to citizens in 2012. Regional Council Chair Cavanaugh stated that the citizens could vote for a reduced plan in 2008, but would have a long range plan to consider in 2012. He stated that they really need something based on intelligent analysis, and time is needed to gauge the interests of the citizens over the long run.

Regional Council Chair Cavanaugh stated that the participation of the federal government is needed, and our legislators in Washington need to stand up and be counted for the state in transportation needs. He commented that the integration of rail and highways is important and he thought that could be accomplished in the long term. Where and how rail would impact highways could be determined through analysis. Regional Council Chair Cavanaugh commented on parity because some counties have their own transportation sales tax, some counties do not. He indicated that the residents of Maricopa County would have a problem with that and thought there should be a workaround.

Regional Council Chair Cavanaugh commented on the public/private partnerships definition. He said that this might involve right-of-way or toll roads, and need to be determined specifically. Regional Council Chair Cavanaugh stated that one question is how to take advantage of right-of-way donations. He stated that land owners are willing to donate land, but the question is how to capitalize on that opportunity. Regional Council Chair Cavanaugh suggested that perhaps for the first 15 years build parkways with total freeway right-of-way, which would save money.

Regional Council Chair Cavanaugh indicated that he thought the 2008 plan was looking at ways to spend money, not save money. He stated that we need to move from a lot of questions with few answers to answers that derive relatively few questions.

Mr. Mendez stated that he wanted to reiterate that on a statewide basis, they met with people and vetted the package, to which they made dramatic changes over the past few days. He added that they hope to finalize the numbers in the next week or ten days. Mr. Mendez stated that on a statewide basis, a

commitment is needed to plan for the future. The longer action is delayed, the worse the situation will be. Mr. Mendez stated that it is incumbent upon leaders to find a way to solve this crisis, and he requested the assistance of the leaders in the MAG region.

TPC Chair Hawker asked how the TPC roles and responsibilities would fit in with the ballot proposal that includes money allocated to subregions for dispersal. Mr. Smith stated that in the normal, preferred process, public involvement is sought to start building a plan. After discussion and agreement on the plan, a conformity analysis is done and the plan is included in the TIP and RTP, which are then approved by MAG. Mr. Smith advised that the federal law is specific that before any plan, program or project can be built in a nonattainment area, it has to undergo conformity analysis and be in the adopted TIP and RTP. He remarked that if the Clean Air Act requirements are circumvented, there are provisions for a citizens lawsuit.

TPC Chair Hawker asked if this process could be postponed until the election passed. Mr. Smith replied that he was not sure this same situation had occurred before, but proposals were given to MAG in 1994 by Governor Symington. In January 1995, the Regional Council approved them for public input, after which they went through the required process.

TPC Chair Hawker asked the options MAG could explore as a body. Mr. Anderson replied that his recommendation is after the list becomes available, the projects could be put into statewide and regional models to find out the impact. He advised that to do that, timing, a general scope and speculation on how the projects will line up with existing projects of Proposition 400 would be needed. Mr. Anderson stated that would be a policy discussion involving the Regional Council and TPC. He stated that whether the TIP and RTP are amended before or after the November vote, it is a risk to wait because the situation could put us out of conformity. Mr. Anderson added that the outer years are also risky and could push us out of conformity. He explained that we would have a list of projects that are not a part of an adopted TIP or Plan and therefore, could not be built.

Mayor Scruggs asked for clarification of her understanding that no projects would be defined and the money would come back to MAG where the process would determine the projects. TPC Chair Hawker replied that there would be a list of projects with no timeframe, no dollar amounts, and no knowledge of when they would be completed. He commented that this was a long way from making him comfortable.

Mayor Scruggs stated that MAG cannot approve plans, programs or projects without an air quality conformity analysis. She said that she understood there is no project list because MAG being a nonattainment area precludes it.

TPC Chair Hawker asked how the voters could be convinced to support the election if there is no specificity.

Mayor Truitt commended the Governor and Mr. Mendez for coming up with a statewide plan. He remarked that everyone will have to put in money to make it happen. Mayor Truitt stated that there is a quantified list, but it is difficult to go to the voters for a different plan when the last plan is not yet

completed. He stated that he has heard discussion of backfilling, but he was not confident that the existing plan will be funded.

TPC Chair Hawker asked if the TPC and Regional Council agreed to backfill and accelerate Proposition 400 projects in order, could that be delineated. Mr. Anderson replied that could be looked at. He said that the revenue stream would be needed to match up with Proposition 400 needs. Mr. Anderson advised that the difficult part would be the acceleration potential. The first step would be to look at the cost issues with the existing program and keeping the current schedule. The second step would be to look at possible project accelerations. The third step would be looking at how additional funds might be incorporated. Mr. Anderson noted that could be accomplished, but it is a fairly laborious exercise that would take a couple of months once the schedule and cost information are received.

Mr. Mendez clarified that the two-column list he showed in his presentation was the critical needs list they identified with MAG. He added that the same process was used with other parts of the state. Mr. Mendez stated that the critical needs from the MAG region are backfill and accelerations for the existing RTP, and the projects shown in the left column are the common sense projects that everyone can agree would relieve congestion. He commented that if congestion is relieved, it seems believable that the air quality will improve.

TPC Chair Hawker expressed his concern about running out of money because the dollar magnitude is unknown, and when it starts flowing, if it will accomplish the goal.

Councilmember Aames said that he would like the TIME Coalition, ADOT and the Governor to listen to Mayor Cavanaugh's suggestions. He said the suggestions make the program more palatable to voters and could provide options for additional types of revenue for future funding. Councilmember Aames commented that the election could come away with half of the program, or could come away with nothing.

Mayor Scruggs noted an additional piece Mayor Cavanaugh suggested at the April TPC meeting not mentioned tonight was that no one county would pay more than .75 percent in sales tax toward transportation. She said that this would mean that Maricopa and Pima counties would have a one-quarter percent increase. Mayor Scruggs commented that this begins to address the equity issue and that is a very appealing part of his proposal.

Mr. Smith read a written statement for the record submitted by Mayor Lopez Rogers, who was unable to attend the meeting. "The transportation needs in the state are great and I sincerely appreciate the Governor's desire to find solutions in our communities and across the state. Overall, I support the Governor's goal and the TIME Coalition's efforts in improving the state's transportation infrastructure. I do have two issues regarding the recent package that I would like to address. They are as follows: Source of Funding – Municipalities have had very little – if any – input regarding how to fund this statewide transportation plan. The creation of an additional one percent sales tax statewide for 30 years creates a growing fiscal challenge for local jurisdictions in our ability to raise local revenues for local needs. More consideration from the Governor's office and the TIME Coalition must be given to expanding the transaction privilege tax (TPT) base which would result in increased revenue at a lower rate than the one percent offered in this proposal. A recent report by the Arizona Department of

Revenue reveals hundreds of state sales tax categories are exempt from taxation. One example is personal care services. If personal care services were no longer exempt from the tax base, more than \$43 million a year could be collected. Thereby - expanding the tax base and lowering the rate. Asking taxpayers to impose a one percent sales tax on existing sources without serious consideration of expanding the base is a missed opportunity to lower the rate and create a tax system more robust and better able to withstand economic swings. Fulfilling Proposition 400 Obligations – Maricopa County voters were promised the completion of many projects as part of Proposition 400. Due to revenue losses, those projects most likely will not be funded. I strongly urge that the Governor’s office and TIME Coalition ensure that those unfunded Prop 400 projects receive funding priority over any other projects being secured in this new plan. Asking Maricopa County taxpayers to impose another sales tax on projects they have already approved in 2004 without some guarantee that those projects are funded first – creates real inequities for Maricopa County residents.”

TPC Chair Hawker expressed appreciation for all of the comments made tonight. He said that this concluded TPC business. The TPC meeting adjourned at 7:45 p.m.

7. Maricopa County Clean Air Initiative

This item was not considered.

8. Legislative Update

This item was not considered.

9. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Smith noted that the Arizona Transportation Summit will be held on May 29, 2008. He said that many issues will be discussed, including public/private partnerships.

Regional Council Chair Cavanaugh noted that due to the length of the meeting, the Maricopa County Clean Air Initiative and the Legislative Update would not be heard tonight and would be presented at a future Regional Council meeting. Chair Cavanaugh stated that due to the Open Meeting Law, he was unable to explain his rationale for postponing the 208 amendment for Goldfield Ranch. He stated that this will be provided in a communication to everyone.

There being no further business, the Regional Council meeting adjourned at 7:47 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Pedestrian Design Assistance and Bicycle Design Assistance Projects for 2008 Funding - Phase II

SUMMARY:

The FY 2008 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2007, includes \$200,000 for the Pedestrian Design Assistance Program and \$300,000 for the Bicycle/Shared-Use Design Assistance Program. The design programs allow MAG member agencies to apply for funding for the design portion of a bicycle or pedestrian project. On December 19, 2007, the MAG Regional Council approved the following projects in the first round of Design Assistance projects:

- City of Scottsdale: 70th Street Pedestrian and Bicycle Connection (\$55,000)
- Town of Gilbert: Pedestrian Safety & Traffic Calming Demonstration Project (\$75,000)
- Town of Gilbert: Bicycle Crossing Safety and Improvement Demonstration Phase II Project (\$90,000)
- City of Peoria: New River Underpass at Olive Avenue (\$125,000)

On January 14, 2008, MAG received the second round of application requests for Design Assistance. The Pedestrian Working Group and the Regional Bicycle Task Force reviewed and ranked applications for project funding from the Pedestrian Design Assistance and Bicycle Design Assistance Programs at the March 18, 2008 committee meeting. The Committee received five applications requesting \$373,000 in funding for the \$125,000 funding available from the Pedestrian Design Assistance Program. The Committee also received two applications requesting \$70,000 in funding for the \$30,000 in funding available from the Bicycle Design Assistance Program. The Committee voted to recommend approval for two projects for \$125,000 from the Pedestrian Design Assistance Program:

- City of Avondale: Garden Lakes Sidewalk (\$60,000)
- City of Phoenix: Third Street Promenade (\$65,000)

The Committee voted to recommend approval for one project for \$30,000 from the Bicycle Design Assistance Program:

- City of Mesa: Adobe Road Complete Streets (\$30,000).

On April 24, 2008, the Transportation Review Committee unanimously recommended approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

On May 14, 2008, the Management Committee unanimously recommended approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

PUBLIC INPUT:

None has been received.

PROS & CONS:

PROS: This program assists MAG member agencies by offering professional design assistance to develop bicycle and pedestrian facilities that help reduce congestion and improve air quality.

CONS: According to federal law, any project which is not constructed after being designed with federal transportation funds could be required to return the funds used for design to the Federal Highway Administration.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Pedestrian Design Assistance Program encourages implementation of the adopted MAG Pedestrian Area Policies and Design Guidelines, and provides demonstration projects for “best practice” pedestrian area policies and facilities. The Bicycle Design Assistance program uses nationally accepted practices.

POLICY: These programs encourage the development of facilities to encourage walking and bicycling.

ACTION NEEDED:

Approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

PRIOR COMMITTEE ACTIONS:

On May 14, 2008, the Management Committee unanimously recommended approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

MEMBERS ATTENDING

Charlie McClendon, Avondale, Chair
 Patrice Kraus for Mark Pentz, Chandler,
 Vice Chair
 # George Hoffman, Apache Junction
 Scott Rounds for Jeanine Guy, Buckeye
 * Jon Pearson, Carefree
 Wayne Anderson for Usama Abujbarah,
 Cave Creek
 Spencer Isom for B.J. Cornwall, El Mirage
 * Phil Dorchester, Fort McDowell
 Yavapai Nation
 # Kate Zanon, Fountain Hills
 * Gila Bend
 * Joseph Manuel, Gila River Indian
 Community
 George Pettit, Gilbert
 Jessica Blazina for Ed Beasley, Glendale
 John Fischbach, Goodyear
 * RoseMary Arellano, Guadalupe

Darryl Crossman, Litchfield Park
 Christopher Brady, Mesa
 # Jim Bacon, Paradise Valley
 Carl Swenson for Terry Ellis, Peoria
 Karen Peters for Frank Fairbanks, Phoenix
 # John Kross, Queen Creek
 * Bryan Meyers, Salt River
 Pima-Maricopa Indian Community
 John Little, Scottsdale
 Prisila Ferreira, Surprise
 Charlie Meyer, Tempe
 * Reyes Medrano, Tolleson
 Gary Edwards, Wickenburg
 Mark Hannah for Lloyce Robinson,
 Youngtown
 Richard Travis for Victor Mendez, ADOT
 Kenny Harris for David Smith, Maricopa Co.
 David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

On April 24, 2008, the Transportation Review Committee unanimously recommended approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

MEMBERS ATTENDING

- | | |
|---|---|
| <ul style="list-style-type: none">Phoenix: Tom CallowADOT: Kwi-Sung Kang for Floyd RoehrichAvondale: Janeen Gaskins for David FitzhughBuckeye: Scott LoweChandler: Patrice KrausEl Mirage: Lance Calvert* Fountain Hills: Randy Harrel* Gila Bend: Lynn Farmer* Gila River: David WhiteGilbert: Tami RyallGlendale: Terry JohnsonGoodyear: Cato EsquivelGuadalupe: Jim Ricker | <ul style="list-style-type: none">* Litchfield Park: Mike CartsonisMaricopa County: John HauskinsMesa: Brent Stoddard for Scott ButlerParadise Valley: Robert M. CicarelliPeoria: David Moody* Queen Creek: Mark YoungRPTA: Bryan JungwirthScottsdale: Dave Meinhart for Mary O'ConnorSurprise: Randy OvermyerTempe: Carlos De LeonValley Metro Rail: John FarryYoungtown: Lloyce Robinson |
|---|---|

EX-OFFICIO MEMBERS ATTENDING

- | | |
|---|--|
| <ul style="list-style-type: none">* Regional Bicycle Task Force: Jim Hash* Street Committee: Darryl Crossman* ITS Committee: Mike Mah | <ul style="list-style-type: none">* Pedestrian Working Group: Brandon ForreyTransportation Safety Committee: Kerry Wilcox |
|---|--|

- * Those members neither present nor represented by proxy.
- + - Attended by Videoconference # - Attended by Audioconference

On March 18, 2008, the MAG Pedestrian Working Group and the MAG Bicycle Task Force unanimously recommended approval of the following projects for funding from the Design Assistance Program: Avondale: Garden Lakes Sidewalk (\$60,000), City of Phoenix: Third Street Promenade (\$65,000), and City of Mesa: Adobe Road Complete Streets (\$30,000).

MEMBERS ATTENDING

- | | |
|---|---|
| <ul style="list-style-type: none">Tami Ryall, Gilbert, Chair, Regional Bicycle Task Force and Acting Chair of the Pedestrian Working Group* Bruce Meyers, ADOA Gen. Services* Michael Sanders, ADOTBrian Fellows, ADOTMichael Eagan, ASLA, Arizona ChapterMargaret Boone-Pixley, AvondaleAnn Marie Riley for Michael Normand, ChandlerRich Rumer Coalition for Arizona Bicyclists* Mark Smith, El Mirage* Allan Grover, Glendale | <ul style="list-style-type: none">Farhad Tavassoli, GoodyearMichael Cartsonis, Litchfield Park* Peggy Rubach, Maricopa County# Jim Hash, MesaBrandon Forrey, PeoriaKatherine Coles, PhoenixBriiana Leon, PhoenixMike Roche, Queen CreekSuzanne Day, RPTAReed Kempton, ScottsdaleEric Iwersen, TempeLance Ferrell, Surprise |
|---|---|

- *Members neither present nor represented by proxy.
- #Attended via audio-conference

CONTACT PERSON:

Maureen DeCindis, MAG, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Interim Closeout of the Federal Fiscal Year 2008 MAG Federally Funded Program

SUMMARY:

By May 20, member agencies had submitted requests to defer or delete federal funds from a project in the amount of approximately \$40.1 million. With the requested deferred federal funds, the amount of federal funds remaining to be obligated is \$35.7 million. MAG is recommending that \$21 million of the \$35.7 million be preserved and carried forward to federal fiscal year (FFY) 2009 to fiscally balance the Arterial Life Cycle Program (ALCP). As a result, the amount of funds available during the interim closeout is approximately \$14.7 million. The amount available for FFY 2008 Closeout may change since member agencies are still submitting deferral notification. Any changes will be provided to the Council in the next few months. For additional information, please see the attached memorandum and table.

At the Transportation Review Committee (TRC) on April 24, 2008, there was extensive discussion about adopting additional guidelines for the FFY 2008 Closeout. Current guidelines for the year end closeout process were approved by the Regional Council in 1995 and were slightly revised in 1996 and 2001. In the past year, there have been three working group meetings regarding MAG Federal Fund Programming Principles, which includes the Closeout process and priorities. The TRC members did not recommend any additional guidelines for the FFY 2008 Closeout, but will continue to analyze the Draft MAG Federal Fund Programming Principles as they affect the Closeout process in the future.

PUBLIC INPUT:

There was no public comment at the April 24, 2008 Transportation Review Committee meeting, or at the May 14, 2008 MAG Management Committee. An opportunity is provided at the Transportation Policy Committee meeting on May 21, 2008.

PROS & CONS:

PROS: Approval of these recommendations will allow for additional and accelerated transportation projects to be funded in the MAG region.

CONS: There is no guarantee that sufficient funds will be available in the following fiscal year to cover any or all of the deferred projects. Uncertainty over the reauthorization of the federal legislation makes this problem more acute.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Action to close out the FFY 2008 MAG federally funded program is needed to ensure that all MAG federal funds are fully used in a timely and equitable manner. These actions may include any necessary amendments or administrative adjustments to the FY 2008-2012 MAG TIP and the FY 2008 and FY 2009 MAG Unified Planning Work Programs and Annual Budgets to allow the projects to proceed.

POLICY: Previously adopted MAG policies on the allocation of uncommitted and redistributed federal funds to projects have been followed.

ACTION NEEDED:

Approval of a list of projects to be carried forward from FFY 2008 to FFY 2009 or later and approval of a list of projects requesting removal of federal funds.

PRIOR COMMITTEE ACTIONS:

Transportation Policy Committee: This is on the May 21, 2008, Transportation Policy Committee agenda. An update will be provided at Regional Council.

Management Committee: On May 14, 2008, the MAG Management Committee unanimously recommended approval of the list of projects to be carried forward from FFY 2008 to FFY 2009 or later and approval of the list of projects requesting removal of federal funds.

MEMBERS ATTENDING

- | | |
|---|--|
| Charlie McClendon, Avondale, Chair | * RoseMary Arellano, Guadalupe |
| Patrice Kraus for Mark Pentz, Chandler,
Vice Chair | Darryl Crossman, Litchfield Park |
| # George Hoffman, Apache Junction | Christopher Brady, Mesa |
| Scott Rounds for Jeanine Guy,
Buckeye | # Jim Bacon, Paradise Valley |
| * Jon Pearson, Carefree | Carl Swenson for Terry Ellis, Peoria |
| Wayne Anderson for Usama
Abujbarah, Cave Creek | Karen Peters for Frank Fairbanks,
Phoenix |
| Spencer Isom for B.J. Cornwall,
El Mirage | # John Kross, Queen Creek |
| * Phil Dorchester, Fort McDowell
Yavapai Nation | * Bryan Meyers, Salt River |
| # Kate Zanon, Fountain Hills | Pima-Maricopa Indian Community |
| * Gila Bend | John Little, Scottsdale |
| * Joseph Manuel, Gila River Indian
Community | Prisila Ferreira, Surprise |
| George Pettit, Gilbert | Charlie Meyer, Tempe |
| Jessica Blazina for Ed Beasley,
Glendale | * Reyes Medrano, Tolleson |
| John Fischbach, Goodyear | Gary Edwards, Wickenburg |
| | Mark Hannah for Lloyce Robinson,
Youngtown |
| | Richard Travis for Victor Mendez, ADOT |
| | Kenny Harris for David Smith,
Maricopa County |
| | David Boggs, Valley Metro/RPTA |

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

Transportation Review Committee: On April 24, 2008, the TRC unanimously recommended approval of the list of projects to be carried forward from FFY 2008 to FFY 2009 or later and approval of the list of projects requesting removal of federal funds.

MEMBERS ATTENDING

Phoenix: Tom Callow
ADOT: Kwi-Sung Kang for Floyd Roehrich
Avondale: Janeen Gaskins for David
Fitzhugh
Buckeye: Scott Lowe
Chandler: Patrice Kraus
El Mirage: Lance Calvert
* Fountain Hills: Randy Harrel
* Gila Bend: Lynn Farmer
* Gila River: David White
Gilbert: Tami Ryall
Glendale: Terry Johnson
Goodyear: Cato Esquivel
Guadalupe: Jim Ricker

* Litchfield Park: Mike Cartsonis
Maricopa County: John Hauskins
Mesa: Brent Stoddard for Scott Butler
Paradise Valley: Robert M. Cicarelli
Peoria: David Moody
* Queen Creek: Mark Young
RPTA: Bryan Jungwirth
Scottsdale: Dave Meinhardt for
Mary O'Connor
Surprise: Randy Overmyer
Tempe: Carlos De Leon
Valley Metro Rail: John Farry
Youngtown: Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

* Regional Bicycle Task Force: Jim Hash
* Street Committee: Darryl Crossman
* ITS Committee: Mike Mah

* Pedestrian Working Group: Brandon Forrey
Transportation Safety Committee: Kerry
Wilcox

* Those members neither present nor represented by proxy.

+ - Attended by Videoconference # - Attended by Audioconference

CONTACT PERSON:

Eileen Yazzie, (602) 254-6300.

May 20, 2008

TO: Members of MAG Regional Council

FROM: Eileen O. Yazzie, Transportation Programming Manager

SUBJECT: FEDERAL FISCAL YEAR (FFY) 2008 INTERIM YEAR END CLOSEOUT

The amount of Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Program (STP) MAG funds available for FFY 2008 is \$130.4 million.

The total amount of the projects programmed for FFY 2008 is \$134.8 million, however, member agencies have submitted requests to defer or delete federal funds from a project in the amount of approximately \$40.1 million. This leaves an unobligated balance for FFY 2008 of \$35.7 million. To balance the fiscally constrained Arterial Life Cycle Program (ALCP), \$21 million in MAG-STP funds will be carried forward to FFY 2009. This would leave a remaining balance of \$14.7 million of unobligated funds for closeout.

The remaining balance of unobligated funds is subject to change since member agency deferral notifications are still being submitted.

BACKGROUND

The current guidelines for the federal fiscal year end closeout process are posted on the MAG website on the Transportation Improvement Program (TIP) webpage. Current guidelines for the year end closeout process were approved by the Regional Council in 1995 and were slightly revised in 1996 and 2001. In the past year, there have been three working group meetings regarding MAG Federal Fund Programming Principles, which includes the Closeout process and priorities.

DEFERRED PROJECTS

Member agencies need to notify MAG staff of projects that will not obligate this year. The first deadline for member agencies to notify MAG staff of project deferrals was April 18, 2008. MAG Staff recognizes that agencies may defer projects at a later time due to project delays between today and September 2008 and will work with member agencies until the end of the federal fiscal year for last minute deferrals.

SUBMITTAL OF PROJECTS

The deadline for member agencies to submit projects for use of Closeout funds was April 18, 2008. The primary criteria for the projects submitted for closeout funding is that they must be able to utilize funds by the end of the federal fiscal year. This means that the projects submitted must be sufficiently developed for ADOT Local Governments staff to recommend that be projects are ready to be authorized by the Federal authorities. MAG staff will review the projects submitted for Closeout funds with ADOT to ensure that the projects can be obligated before the

end of FFY08. It is expected that the TRC will review the funds available and may discuss preferences for how the funds available should be targeted.

The CMAQ analysis of projects submitted for Closeout will be completed by the Air Quality Technical Advisory Committees in May, and it is expected that TRC action on the interim list of closeout projects will occur at the May 30, 2008 Committee meeting, with Management Committee, Transportation Policy Committee and Regional Council action anticipated to take place in June, 2008.

Information regarding the FFY 2008 Closeout is available electronically on the MAG website <http://www.mag.maricopa.gov/project.cms?item=413>, at the Transportation Improvement Program (TIP) webpage. If there are any questions regarding the FFY 2008 year-end closeout process, or the submittal of projects, please call Eileen O. Yazzie at 602-254-6300.

**MAG FFY08 Interim Closeout - Project Deferrals and Deletion of Federal Funds
Regional Council**

Defer or Delete	City	ID#	TRACS #	Location	Type of Work	Mode	Fed Fund Amount	Funding Type	Deferral Year	Has this been deferred before?	# of times deferred before	Total, including this year
DEFER												
Defer	Buckeye	BKY07-703		Various Locations: Yuma Rd, Miller Rd	Pave Dirt Roads	AQ or TDM	\$ 42,350	CMAQ	2009	No	0	1
Defer	Buckeye	BKY07-704		Various Locations: MC-85/Monroe, Southern Ave, Apache Rd	Pave Dirt Shoulders	AQ or TDM	\$ 113,000	CMAQ	2009	No	0	1
Defer	Cave Creek	CVK07-601	SS68601C	Townwide	Pave Dirt Road Program	AQ or TDM	\$ 250,000	CMAQ	2009	Yes	1	2
Defer	Chandler	CHN06-214	SS62503D & 01C	Citywide	Install Chandler Fire/Police Department signal system integration and variable message signs	ITS	\$ 377,200	CMAQ	2009	Yes	2	3
Defer	Chandler	CHN07-601		Commonwealth Ave: Hamilton St. to McQueen Rd	Pave dirt road	AQ or TDM	\$ 325,000	CMAQ	2009	Yes	1	2
Defer	Chandler	CHN11-710		Western Canal, Bike path at Dobson Rd, Alma School Rd and Arizona Ave	Install three pedestrian actuated crossing signals	Bike & Ped	\$ 271,000	CMAQ	2009	No	0	1
Defer	Fountain Hills	FTH07-301	SS64601C	Shea Boulevard: Palisades Blvd to Fountain Hills Blvd	Widen for third (westbound) climbing lane and bicycle lane	Street	\$ 1,076,000	STP-MAG	2009	Yes	1	2
Defer	Ft. McDowell	FTM07-601C		Communitywide	Pave dirt roads program - Construction	AQ or TDM	\$ 475,000	CMAQ	2009	Yes	1	2
Defer	Gilbert	GLB04-205		Gilbert Rd: US-60 to Guadalupe Rd; and US-60: Dobson Rd to Gilbert Rd	Install fiber & conduit along Gilbert Rd, fiber only along US-60 (joint with Mesa to link ATMS)	ITS	\$ 400,660	CMAQ	2009	Yes	3	4
Defer	Gilbert	GLB07-302		Eastern Canal: Elliot Rd to Warner Rd (Santan Vista Trail phase III)	Design and construct multi-use path	Bicycle	\$ 500,000	CMAQ	2009	Yes	1	2
Defer	Gilbert	GLB06-201R		Eastern Canal: Guadalupe Rd to Elliot Rd (Santan Vista Trail phase II)	Design and construct multi-use path	Bicycle	\$ 636,000	CMAQ	2009	Yes	2	3
Defer	Gilbert	GLB05-107R		Eastern Canal: Baseline Rd to Guadalupe Rd (Santan Vista Trail phase I)	Design and construct multi-use path	Bicycle	\$ 549,769	CMAQ	2009	Yes	3	4
Defer	Glendale	GLN06-201	SS69001C	Bell Road at Skunk Creek (between 67th and 75th Avenues)	Widen existing bridge to provide pedestrian and bicycle access across bridge.	Bike & Ped	\$ 424,350	CMAQ	2010	Yes	1	2
Defer	Glendale	GLN07-779	SS69501C	Litchfield Road, Olive Avenue, Greenway Road, 83rd Avenue, 75th Avenue	Pave Dirt Shoulders	AQ or TDM	\$ 133,035	CMAQ	2010	No	0	1
Defer	Glendale	GLN08-605	SS70001C	Glendale Ave: Loop 101 to Luke AFB	Pave Access points	AQ or TDM	\$ 63,000	CMAQ	2010	No	0	1
Defer	Goodyear	G DY07-302	SS55701C	Various Locations (Goodyear Pave Dirt Road Program)	Pave dirt road	AQ or TDM	\$ 449,600	CMAQ	2009	Yes	1	2
Defer	Guadalupe	GDL05-202		Guadalupe Rd: Highline Canal to Calle Bella Vista	Add left and right turn lanes, curb, gutter, sidewalks, frontage road, bus stops and cross walks	Street	\$ 500,000	CMAQ	2009	Yes	3	4
Defer	Litchfield Park	LPK05-101C	SS 607 01C	Litchfield Road Bypass at Wigwam Boulevard	Construct Bicycle Underpass	Bicycle	\$ 886,420	CMAQ	2009	yes	3	4
Defer	Maricopa County	MMA120-06D		Northern Pkwy: US-60 (Grand Ave) to SR-303	Pre-design and design of roadway widening	Street	\$ 3,582,000	STP-MAG	2009	Yes	2	3
Defer	Maricopa County	MMA120-08RW1		Northern Pkwy: Dysart Rd to SR-303	Acquire right-of-way for roadway widening	Street	\$ 16,084,000	STP-MAG	2009	Yes	1	2

Defer or Delete	City	ID#	TRACS #	Location	Type of Work	Mode	Fed Fund Amount	Funding Type	Deferral Year	Has this been deferred before?	# of times deferred before	Total, including this year
Defer	Mesa	MES08-603		Longmore: Broadway Rd to Main Street (EVIT)	Design and construct bicycle path to connect Broadway Rd. with the Light Rail Station at Main Street and Sycamore	Bicycle	\$ 1,157,739	CMAQ	2010	No	0	1
Defer	Mesa	MES08-604		Loop 202 (Red Mtn Fwy)	Design and install fiber optic and devices and complete connections at network hubs	ITS	\$ 838,700	CMAQ	2010	No	0	1
Defer	Mesa	MES08-807		ITS Signal Conversions-Phase 3 (Mesa Dr. and Main Street)	Expand fiber-optic network and link 11 traffic signals to the Mesa TMC	ITS	\$ 646,773	CMAQ	2009	No	0	1
Defer	Peoria	PEO08-602	SS65701C	84th Ave: Peoria Ave to Monroe St	Design & Construct at grade pedestrian improvements	Ped	\$ 1,164,057	CMAQ	2009	Yes	1	2
Defer	Peoria	PEO06-202C	SS603 01 C	91st and Olive Avenue	Intersection Widening	Street	\$ 800,000.00	CMAQ	2009	Yes	1	2
Defer	Phoenix	PHX07-317	SS45203D	Downtown Phoenix Parking Management System	Design Parking Management System (Phase 3)	ITS	\$ 400,000	CMAQ	2009	Yes	1	2
Defer	Phoenix	PHX07-740	SS694-03D	Various Locations	Pave Dirt Roads	AQ or TDM	\$ 1,408,135	CMAQ	2009	No	1	2
Defer	Phoenix	PHX07-741	SS696-03D	Various Locations	Pave Dirt Shoulders	AQ or TDM	\$ 1,204,684	CMAQ	2009	No	0	1
Defer	Queen Creek	QNC07-746	QCR-0(203)	Hunt Highway: Power Rd to Ellsworth	Pave Dirt Shoulders	AQ or TDM	\$ 204,893	CMAQ	2009	No	0	1
Defer	Queen Creek	QNC08-803	SS68001C	Queen Creek Town Center	Construct ITS Infrastructure and Traffic Management System	ITS	\$ 550,221	CMAQ	2009	No	0	1
Defer	Queen Creek	QNC07-745	SS70201C	Chandler Heights Road: Power Road to Hawes Road	Pave Dirt Shoulders	AQ or TDM	\$ 111,691	CMAQ	2009	No	0	1
Defer	Scottsdale	SCOT07-606		Dynamite Blvd: Pima Rd to Alma School	Install vertical curb and gutter	AQ or TDM	\$ 500,000	CMAQ	2009	No	0	1
Defer	Surprise	SUR08-819		Saguaro View Area	Pave unpaved roads	AQ or TDM	\$ 535,688	CMAQ	2009	No	0	1
Defer	Surprise	SUR07-325		Various locations	Pave dirt roads	AQ or TDM	\$ 305,520	CMAQ	2009	No	0	1
Defer	Tempe	TMP08-602	SS64001C	College Avenue Pedestrian Improvements	Construct pedestrian improvements	Ped	\$ 1,550,000	CMAQ	2009	No	0	1
DELETE FEDERAL FUNDS												
Delete	Fountain Hills	FTH08-601	SS66001C	Saguaro Blvd: Colony Dr. to Desert Vista	Pave existing dirt alleys (east side)	AQ or TDM	\$ 133,210	CMAQ	Delete	Project will be completed with local funds.		
Delete	Goodyear	GDY07-304		Yuma Rd at Bullard Wash	Construct bridge and approaches	Street	\$ 746,000	STP-MAG	Delete	Project will be completed with local funds.		
Delete	Goodyear	GDY07-301		Bullard Ave: Yuma Rd to Van Buren St	Pave dirt road	AQ or TDM	\$ 438,000	CMAQ	Delete	Project will be completed with local funds.		
Delete	Queen Creek	QNC06-201		Ellsworth at Ocotillo Rd.	Reconstruct intersection to add left turn lanes, curb, gutter, sidewalk and traffic signals	Street	\$ 300,000	CMAQ	Delete	This project is included in an Improvement District Project.		

Total FFY08 Project Deferrals and Deletion of Federal Funds	\$ 40,133,695
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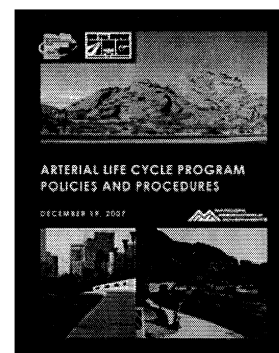
TRANSPORTATION DIVISION

Arterial Life Cycle Program (ALCP) – Status Report

October 2007 – March 2008

Between October 2007 and March 2008, MAG Staff received approval of the revised ALCP Policies and Procedures, published the Arterial Life Cycle Program (ALCP) in book format, and revised the ALCP Project Overview and Project Reimbursement Request forms. MAG Staff collaborated with the ALCP Working Group to develop proposed revisions to the ALCP Policies and Procedures (“Policies”). Revisions to the Policies included the addition of a new section (Section 260) that established procedures for the Regional Area Road Fund (RARF) Closeout Process. The Policies were approved and enacted by the MAG Regional Council on December 19, 2007.

On February 27, 2008, the MAG Regional Council approved an update to the Arterial Life Cycle Program. Changes to the ALCP included administrative modifications and the reallocation of reimbursements for various projects. In early March, MAG Staff disseminated copies of the updated ALCP to the ALCP Working Group via email.



Copies of the forms and publication are available for download from the MAG – ALCP website at <http://www.mag.maricopa.gov/project.cms?item=5034>. Printed copies are also available. To receive printed of the publications and/or forms, please contact Christina Hopes at chopes@mag.maricopa.gov.

ALCP REVENUE AND FINANCE

The ALCP receives dedicated sales tax revenues (RARF) for transportation improvements to the arterial road network in Maricopa County. RARF revenues are deposited into the arterial account on a monthly basis.

Although, \$160.2 million was collected for the between October 2007 and February 2008, RARF revenues were noticeably lower than the \$172.4 million forecasted.

Table 1 details the revenues collected by mode during the second and third quarters of

Table 1. RARF Collections (October 2007 - February 2008)

	Freeways	Arterial Streets	Transit	Prop. 400 (total)
October	\$ 18,118,625	\$ 3,385,152	\$ 10,735,769	\$ 32,239,546
November	\$ 17,588,010	\$ 3,286,016	\$ 10,421,365	\$ 31,295,391
December	\$ 17,525,852	\$ 3,274,403	\$ 10,384,535	\$ 31,184,790
January	\$ 20,360,361	\$ 3,803,982	\$ 12,064,057	\$ 36,228,400
February	\$ 16,425,349	\$ 3,068,793	\$ 9,732,458	\$ 29,226,600
Total	\$ 90,018,197	\$ 16,818,346	\$ 53,338,184	\$ 160,174,728

FY08. Table 2 compares actual RARF revenues to estimated revenues during the same period. (March 2008 RARF revenue figures were not received by the time of publication.)

To date, more than \$800 million has been generated through the RARF tax collection as a result of Proposition 400. Of that, \$84.1 million in RARF revenues collected was dedicated to the Arterial Life Cycle Program for capacity and safety improvements

Table 2. RARF Collections Estimate v. Actual (October 2007 - February 2008)

	Estimated Total RARF	Actual Total RARF	Percentage Difference
October	\$ 33,108,000	\$ 32,239,546	-2.6%
November	\$ 32,786,000	\$ 31,295,391	-4.5%
December	\$ 32,853,000	\$ 31,184,790	-5.1%
January	\$ 40,623,000	\$ 36,228,400	-10.8%
February	\$ 32,990,000	\$ 29,226,600	-11.4%
Total	\$ 172,360,000	\$ 160,174,728	-7.1%

ALCP PROJECT STATUS

The second and third quarters of FY2008 were extremely productive for member agencies with projects programmed in the ALCP. Over the last 6 months, MAG Staff received 9 Project Overviews from 5 Lead Agencies and initiated 9 Project Agreements with 6 Lead Agencies. In addition, MAG Staff received 6 Project Reimbursement Requests in the amount of \$2.7 million. Table 3 provides detailed information on the status of current projects programmed for work and/or reimbursement in FY08.

INFLATION AND ROUNDING IN THE ALCP

Each year during the annual update process, an inflation factor is applied to the remaining ALCP project reimbursements programmed in the ALCP. Throughout the implementation of the Arterial Life Cycle Program, MAG Staff has recorded the inflated reimbursement amounts for each project down to the dollar. In the past, the ALCP report and project requirements have shown reimbursements to the nearest thousand of dollars.

In an effort to maximize reimbursement amounts, MAG Staff will start showing project reimbursement amounts to the dollar in the ALCP and project requirements, such as Project Agreements. This change will not impact any signed and effective Project Agreements or other project requirements submitted to date. Starting with the publication of the FY2009 Arterial Life Cycle Program, Lead Agencies will be able to view both the full reimbursement amount by project and rounded reimbursement amount as programmed by work phase. Please direct any questions about this change to Christina Hopes at chopes@mag.maricopa.gov or (602) 254-6300.

RARF CLOSEOUT FREQUENTLY ASKED QUESTIONS

Question 1: If I have completed one work phase (ie. design), am I eligible for RARF Closeout Funds?

No. In order to be eligible for RARF Closeout funds, the entire project must be completed (ALCP Policies and Procedures, Section 260(C)(2))

Question 2: My project is completed! Can I receive all of the available RARF Closeout Funds?

No. Reimbursements are limited to the amount programmed in the ALCP or 70% of eligible project expenditures, whichever is less. The same rule applies to the RARF Closeout Process

Question 3: What do I, as the Lead Agency, need to do during the RARF Closeout Process?

To be eligible for RARF Closeout funds, the project must be complete AND MAG Staff needs to receive and accept all three project requirements (Overview, Agreement, and Project Reimbursement Request) by June 1st.

TIP/ALCP ANNUAL UPDATE PROCESS

December marked the beginning of the annual update process for the Transportation Improvement Program (TIP) and the Arterial Life Cycle Program. Each Lead Agency was asked to update information for projects programmed in the TIP and/or ALCP. To assist agencies with the update process, MAG Staff developed the TIP/ALCP Data Entry System, an Access-based application that allows agencies to request project changes and revise data on current and planned facilities.

This was the first year MAG Staff used the Data Entry System to update projects in the TIP and/or ALCP. For the most part, the Data Entry System was a success. However, MAG Staff is always interested in ways to improve on current processes and applications. Let us know if you experienced any difficulties with the Data

Entry System or if you have a suggestion on how to make it better. Please send all comments and suggestions on the TIP/ALCP Data Entry System to Steve Tate at state@mag.maricopa.gov.

TIPS FOR COMPLETING PROJECT REIMBURSEMENT REQUESTS

Under the ALCP Policies and Procedures, Project Reimbursement Requests (PRRs) must be submitted before a Lead Agency may be reimbursed for eligible project expenditures. On February 26, 2008, MAG Staff conducted a brief training on completing PRRs and introduced the revised PRR forms. An electronic version of the current PRR form is available for download from the MAG website at <http://www.mag.maricopa.gov/project.cms?item=5034> under the heading Project Requirements and Forms.

Tip #1: Use the correct Project Id number as listed in the *currently approved* ALCP

Tip #2: The regional share in the budget summary table should equal 70% of the eligible Project Expenditures or the maximum amount listed in the ALCP, whichever is less.

Tip #3: Use the current version of the ALCP, TIP, and Project Reimbursement Request form.

Tip #4: Include summary tables for backup invoices. Summary table templates are included in the PRR form. MAG Staff will also provided sample summary tables upon request.

Fiscal Year 2007-2008 Arterial Life Cycle Program Schedule

Please Note: ALCP Administrative Adjustments and ALCP Amendments will go through the MAG Committee Process as necessary, as part of a transportation project change agenda item for required action.		
April	24	Presentation to the Transportation Review Committee on the RARF Closeout Process and the ALCP Status Report for October 2007 – March 2008
May	14	Presentation to the Management Committee on the RARF Closeout Process
	21	Presentation to the Transportation Policy Committee on the RARF Closeout Process
	28	Presentation to the Regional Council on the RARF Closeout Process
	29	Draft FY2009 Arterial Life Cycle Program presented to the Transportation Review Committee
June	11	<u>Deadline</u> to submit Project Reimbursement Requests for reimbursement in FY2008 Draft FY2009 Arterial Life Cycle Program presented to the Management Committee
	18	Draft FY2009 Arterial Life Cycle Program presented to the Transportation Policy Committee
	25	Draft FY2009 Arterial Life Cycle Program presented to the Regional Council for approval
July	1	Start of Fiscal Year 2009

* Dates are subject to change

This is the eighth Status Report for the Arterial Life Cycle Program (ALCP). Semi-annually, MAG staff will provide member agencies with an update on the projects in the ALCP. This report and all other ALCP information are available online at <http://www.mag.maricopa.gov/project.cms?item=5034>.

TABLE 3
ARTERIAL STREET LIFE CYCLE PROGRAM
October 2007 - March 2008, Project Status of Projects Underway
(2007 and Year of Expenditure, Dollars in Millions, Consistent with the FY08 - February 27, 2008 ALCP)

Lead Agency & Facility	Project Requirement Completed PO = Project Overview PA = Project Agreement	Status S=Study, P=Pre-Design, D=Design, R=ROW, C=Const, C/O=Closed out	Regional Funding Reimbursements			Total Expenditures (Exp.)		FY(s) for Reimb.	FY for Final Constr.	Other Project Information
			Programmed Reimb. FY08	Estimated Future Reimb. FY2009- 2026 (2007\$)	Reimb. To Date	Exp. through FY 2008 (YOE\$)	Estimated Future Exp. FY 2009-2026 (2007\$)			
CHANDLER										
Chandler Blvd/Alma School: Intersection Improvements	PO	D	0.34	3.242				2008-2010	2010	
Chandler Blvd. at Dobson Rd.	PO, PA	C	3.565		0.017	0.428	7.669	2007-2008	2008	The study is 100% complete and design is underway.
Gilbert Rd: Loop 202 to Queen Creek Rd.	PO, PA	D, R		6.533			11.874	2021	2008	This segment has been advanced. Design and ROW will begin in FY07.
Queen Creek Rd: Arizona Ave. to McQueen Rd.	PO, PA	C		4.164			9.597	2012	2008	
Queen Creek Rd: McQueen Rd to Lindsay Rd		D		11.542				2011-2012	2010	
Ray at Alma School Rd.	PO, PA	D, R	2.144	1.438			9.709	2008-2009	2009	
FOUNTAIN HILLS										
Shea Blvd: Palisades Blvd to Saguaro Blvd		D	0.809	4.969				2008-2010	2010	
GILBERT										
Guadalupe/Power: Intersection Improvements		D		3.582				2010	2010	
Power Rd at Pecos: Intersection Improvement	PO	D, R	5.138			1.000	7.700	2008	2008	
Val Vista Rd: Warner Rd. to Pecos Rd.	PO, PA	C/O	3.582	3.351	7.046	15.271		2007-2008, 2014	2006	Project Complete
Warner Rd. at Cooper Rd.	PO, PA	R, C	3.582					2007-2008	2008	
MARICOPA COUNTY										
Dobson Rd, Gilbert Rd, McKellips Rd: Bridge over Salt River		S		44.261				2010-2011, 2015	2012	Three ALCP Bridge Projects are being studied together.
El Mirage Rd: Bell Rd to Beardsley		D, R		15.662				2016-2018	2011	
El Mirage Rd: Beardsley to Loop 303		D, R		2.945				2016	2012	
El Mirage Rd: Thunderbird Rd to Bell Rd	PO	D	0.414	19.925		0.591	70.948	2008-2015	2015	Administrative Modification reduced reimbursement by \$1000
Northern Ave: Dysart Rd. to SR-303L (Phase 1)		P, D, R	19.666	38.116			104.400	2007-2011	2011	

TABLE 3 - Continued
ARTERIAL STREET LIFE CYCLE PROGRAM
October 2007 - March 2008, Project Status of Projects Underway
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			Programmed Reimb. FY08	Estimated Future Reimb. FY2009- 2026 (2007\$)	Reimb. To Date	Exp. through FY 2008 (YOE\$)	Estimated Future Exp. FY 2009-2026 (2007\$)			
M.C./MESA										
Power Rd: East Maricopa Floodway (EMF) to Galveston		D, R	1.416	8.318				2008-2009	2009	
Power Rd: Baseline Rd to East Maricopa Floodway (EMF)	PO, PA	D,R,C	7.485				15.254	2008	2009	
MESA										
Broadway Rd: Dobson Rd. to Country Club Dr.	PO, PA	D	1.453	5.596	0.080	0.115	14.962	2008-2010	2010	Studies 100% Complete
Country Club Dr. at University Dr.	PO, PA	D, R		2.658			6.995	2017	2009	
Dobson Rd. at Guadalupe Rd.	PO, PA	D, R	0.144	2.514	0.106	0.152	5.760	2008-2009	2009	Design 60% Complete
Gilbert Rd at University Dr.	PO, PA	C		2.658			8.100	2021	2009	
Greenfield Rd: Baseline Rd. to Southern	PO, PA	R, C	1.050	3.941	0.455	0.650	7.165	2008-2009	2009	Design 90% Complete; ROW 30% Complete
McKellips Rd: McKellips/Lindsay Intersection Improvement	PO, PA	D	0.403	5.652	0.043	0.060	8.385	2008-2010	2010	Design 15% Complete
Mesa Dr: Southern to US 60	PO, PA	D	1.303	6.774	0.044	0.063	21.650	2008-2010	2010	Studies 75% Complete
McKellips/Greenfield, McKellips/Higley, and McKellips/Val Vista Intersection Improvements	PO, PA	P	0.119	8.215	0.119	0.170	11.347	2008, 2011-2013	2013	Studies 100% Complete; Design 10% Complete
Southern Ave: Country Club Dr at Stapley	PO, PA	P	0.119	12.037	0.119	0.170	16.630	2008-2011	2011	Studies 100% Complete
Thomas Rd: Gilbert Rd to Val Vista Dr		D	1.684	3.632			7.269	2008-2009	2009	
PEORIA										
Beardsley Road Project	PO, PA	C		22.073			30.700	2011-2012	2009	
Happy Valley Rd: Lake Pleasant Pkwy to Terramar Blvd	PO, PA	C		6.549			47.200	2021	2008	
PHOENIX										
Happy Valley Rd: I-17 to 35th Avenue	PO, PA	C/O		5.439		7.648		2022	2005	Project Complete
Happy Valley Rd: 35th Avenue to 43rd		D		4.045			2.738	2022	2011	

TABLE 3 - Continued
ARTERIAL STREET LIFE CYCLE PROGRAM
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(2007 and Year of Expenditure, Dollars in Millions, Consistent with the FY08 - February 27, 2008 ALCP)

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			Programmed Reimb. FY08	Estimated Future Reimb. FY2009- 2026 (2007\$)	Reimb. To Date	Exp. through FY 2008 (YOE\$)	Estimated Future Exp. FY 2009-2026 (2007\$)			
SCOTTSDALE										
SR-101L North Frontage Rd: Hayden to Scottsdale Rd	PO, PA	C	6.707		1.972	2.817	5.912	2008	2008	Design 100% Complete; Construction 50% Complete
SR-101L North Frontage Rd: Pima Rd/Princess Dr to Hayden		P, D, R	1.233	14.135				2008-2009	2009	
SR-101L South Frontage Rd: Hayden to Pima		P, D	0.705	12.470				2008-2010	2010	
Pima Rd: McKellips to Via Linda		P		29.123				2009-2011	2011	
Pima Rd: Thompson Peak Parkway to Pinnacle Peak		C		12.959				2011	2008	
Shea at 90th/92nd/96th Intersection Improvements	PO	C/O		3.500				2021	2006	Project Complete; Project consolidated to include 3 previous intersection improvement projects
Shea at Via Linda (Phase I)	PO	C/O		0.945				2021-2022	2006	Project Complete
Shea at Mayo Blvd/134th St	PO	C/O		0.280				2021	2007	Project Complete

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Fiscal Year 2008 - Arterial Life Cycle Program Regional Area Road Fund Closeout

SUMMARY:

This is the first time the Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout has occurred. A revision to the ALCP Policies and Procedures was approved by Regional Council on December 19, 2007. This revision established Section 260, the RARF Closeout procedures, project eligibility, and the allocation process of available closeout funds. A copy of this section of the ALCP Policies and Procedures is in the attachment for this agenda item.

The ALCP RARF Closeout process begins with a fiscal analysis of the ALCP and proposed ALCP RARF Closeout options. The ALCP RARF Closeout options are connected to eligible completed projects and the priorities established in the ALCP Policies and Procedures. The allocation of ALCP RARF Closeout funds is prioritized by: projects scheduled for reimbursement in the next fiscal year, and all other projects according to the chronological order of the programmed reimbursement.

An important part of the Closeout process is the financial analysis done by MAG to determine the impact of proposed ALCP RARF Closeout options. This is explained in the memorandum for this agenda item.

PUBLIC INPUT:

There was no public comment at the April 24, 2008 Transportation Review Committee, nor at the May 14, 2008 MAG Management Committee. This item is on the May 21, 2008 Transportation Policy Committee agenda where an opportunity is provided for the public to comment.

PROS & CONS:

PROS: Once the recommended projects are approved for reimbursements, \$14.978 million of ALCP RARF funds can be reimbursed in FY 2008. In addition, the ALCP RARF Closeout aids in the fiscal management of the life cycle program by recognizing available funds for eligible projects

CONS: If not approved, reimbursements will not be made and the balance of ALCP RARF funds in the account would remain the same.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: MAG will modify the ALCP for the advancement of reimbursements.

POLICY: A.R.S. 28-6352 (B) required that MAG performs life cycle management for the arterial street component of the RTP.

ACTION NEEDED:

Approval of advancing reimbursements from 2012, 2013, and 2014 to 2008 for the FY 2008 Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout for ALCP Projects: Lake

Pleasant Parkway, Arizona Avenue at Chandler Boulevard, and Val Vista: Warner to Pecos, totaling \$14.978 million, and amend the FY 2008 ALCP and 2007 RTP Update as necessary.

PRIOR COMMITTEE ACTIONS:

Transportation Policy Committee: This is on the Transportation Policy Committee agenda on May 21, 2008. An update will be provided at Regional Council.

Management Committee: On May 14, 2008, the MAG Management Committee unanimously recommended to advance reimbursements from 2012, 2013, and 2014 to 2008 for the FY 2008 ALCP RARF Closeout for ALCP Projects: Lake Pleasant Parkway, Arizona Avenue at Chandler Boulevard, and Val Vista: Warner to Pecos, totaling \$14.978 million, and amend the FY 2008 ALCP, and 2007 RTP Update as necessary.

MEMBERS ATTENDING

- | | |
|---|--|
| Charlie McClendon, Avondale, Chair | * RoseMary Arellano, Guadalupe |
| Patrice Kraus for Mark Pentz, Chandler, | Darryl Crossman, Litchfield Park |
| Vice Chair | Christopher Brady, Mesa |
| # George Hoffman, Apache Junction | # Jim Bacon, Paradise Valley |
| Scott Rounds for Jeanine Guy, | Carl Swenson for Terry Ellis, Peoria |
| Buckeye | Karen Peters for Frank Fairbanks, |
| * Jon Pearson, Carefree | Phoenix |
| Wayne Anderson for Usama | # John Kross, Queen Creek |
| Abujbarah, Cave Creek | * Bryan Meyers, Salt River |
| Spencer Isom for B.J. Cornwall, | Pima-Maricopa Indian Community |
| El Mirage | John Little, Scottsdale |
| * Phil Dorchester, Fort McDowell | Prisila Ferreira, Surprise |
| Yavapai Nation | Charlie Meyer, Tempe |
| # Kate Zanon, Fountain Hills | * Reyes Medrano, Tolleson |
| * Gila Bend | Gary Edwards, Wickenburg |
| * Joseph Manuel, Gila River Indian | Mark Hannah for Lloyce Robinson, |
| Community | Youngtown |
| George Pettit, Gilbert | Richard Travis for Victor Mendez, ADOT |
| Jessica Blazina for Ed Beasley, | Kenny Harris for David Smith, |
| Glendale | Maricopa County |
| John Fischbach, Goodyear | David Boggs, Valley Metro/RPTA |

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

On April 24, 2008, the Transportation Review Committee voted to advance reimbursements from 2012, 2013, and 2014 to 2008 for the FY 2008 ALCP RARF Closeout for ALCP Projects: Lake Pleasant Parkway, Arizona Avenue at Chandler Boulevard, and Val Vista: Warner to Pecos, totaling \$14.978 million, and amend the FY 2008 ALCP, and 2007 RTP Update as necessary.

MEMBERS ATTENDING

- | | |
|--|--------------------------------|
| Phoenix: Tom Callow | * Fountain Hills: Randy Harrel |
| ADOT: Kwi-Sung Kang for Floyd Roehrich | * Gila Bend: Lynn Farmer |
| Avondale: Janeen Gaskins for David | * Gila River: David White |
| Fitzhugh | Gilbert: Tami Ryall |
| Buckeye: Scott Lowe | Glendale: Terry Johnson |
| Chandler: Patrice Kraus | Goodyear: Cato Esquivel |
| El Mirage: Lance Calvert | Guadalupe: Jim Ricker |

- * Litchfield Park: Mike Cartsonis
Maricopa County: John Hauskins
Mesa: Brent Stoddard for Scott Butler
Paradise Valley: Robert M. Cicarelli
Peoria: David Moody
- * Queen Creek: Mark Young
RPTA: Bryan Jungwirth

Scottsdale: Dave Meinhart for
Mary O'Connor
Surprise: Randy Overmyer
Tempe: Carlos De Leon
Valley Metro Rail: John Farry
Youngtown: Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

- * Regional Bicycle Task Force: Jim Hash
- * Street Committee: Darryl Crossman
- * ITS Committee: Mike Mah

- * Pedestrian Working Group: Brandon Forrey
- Transportation Safety Committee: Kerry Wilcox

* Those members neither present nor represented by proxy.

+ - Attended by Videoconference # - Attended by Audioconference

CONTACT PERSON:

Eileen Yazzie, (602) 254-6300.

May 20, 2008

TO: Members of MAG Regional Council

FROM: Eileen O. Yazzie, Transportation Programming Manager

SUBJECT: ARTERIAL LIFE CYCLE PROGRAM (ALCP) - REGIONAL AREA ROAD FUND (RARF) 2008 CLOSEOUT PROCESS

The *Arterial Life Cycle Program (ALCP) Policies and Procedures* establish the ALCP RARF Closeout process, which begins with a fiscal analysis of the ALCP and proposed ALCP RARF Closeout options. The ALCP RARF Closeout options are connected to eligible completed projects and the priorities established in the *ALCP Policies and Procedures*. The allocation of ALCP RARF Closeout funds is prioritized by: projects scheduled for reimbursement in the next fiscal year, and all other Projects according to the chronological order of the programmed reimbursement.

BACKGROUND

In October 2007, the Arterial Life Cycle Program (ALCP) Working Group met with MAG Staff to collaborate on revisions to the *ALCP Policies and Procedures* (Policies). Through this process, the ALCP RARF Closeout procedures were incorporated into the Draft Policies. On December 19, 2007, the MAG Regional Council approved the updated Policies. Section 260 of the Policies establishes the RARF Closeout procedures, project eligibility, and the allocation process of available closeout funds. A copy of this section has been attached for your review.

MAG Staff performed a detailed financial analysis to determine the impact of proposed ALCP RARF Closeout options. As part of the financial analysis, MAG Staff reviewed:

- Eligible projects for the ALCP RARF Closeout
- The FY2008 programmed vs. actual project expenditures
- Historical trends in RARF revenue collection
- The FY2008 and Draft FY2009 ALCP bonding program
- The impact of the various Closeout reimbursement scenarios on the Draft FY2009 life cycle budget and bonding program
- Programmed project expenditures for FY2009 in the Draft FY2009 ALCP

After reviewing the output of the financial analysis, MAG staff recommended that three eligible projects are reimbursed in the FY2008 ALCP Regional Area Road Funds (RARF) Closeout: Lake Pleasant Parkway from Union Hills Drive to Dynamite Road for \$8.044 million, Arizona Avenue at Chandler Boulevard Intersection Improvements for \$3.582 million, and Val Vista Dr from Warner to Pecos Rd for \$3.352 million, for a total of \$14.978 million. MAG staff does not recommend reimbursing additional projects due to the negative impacts it would create on the life cycle program. The attached table summarizes the list of eligible projects in chronological order of programmed reimbursements and completed fiscal year of work. The recommended projects are highlighted.

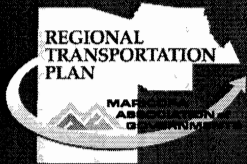
FY2008 Regional Area Road Fund (RARF) Closeout Eligible Projects

Eligible projects are in consecutive order based on the fiscal year the project is programmed for reimbursement

Fiscal Year for Reimb.	RTP ID	Lead Agency	Project Name	Fiscal Year for Work	Amount 2007\$ (millions)	Completed Project Requirements	Recommended for Reimbursement to be Advanced to FY08
2012	ACI-LKP-10-03-B	Peoria	Lake Pleasant Pkwy: Union Hills to Dynamite Rd	2006	4.022	PO, PA	Yes
2013	ACI-LKP-10-03-B	Peoria	Lake Pleasant Pkwy: Union Hills to Dynamite Rd	2006	4.022	PO, PA	Yes
2014	AII-ARZ-30-03	Chandler	Arizona Ave/Chandler Blvd: Intersection Improvements	2006	3.582	PO, PA, PRR	Yes
2014	ACI-VAL-20-03	Gilbert	Val Vista Dr: Warner Rd to Pecos Rd	2006	3.352	PO, PA, PRR	Yes
2021	AII-ARZ-10-03	Chandler	Arizona Ave/Elliott Rd Intersection Improvements	2006	3.582	PO, PA	No
2021	ACI-SHA-20-03-C	Scottsdale	Shea Blvd at Via Linda (Phase1)	2006	0.945	PO	No
2021	ACI-SHA-20-03-F	Scottsdale	Shea Blvd at Mayo/134th St	2006	0.280	PO	No
2021	ACI-SHA-20-03-A	Scottsdale	Shea Blvd at 90th/92nd/96th Streets	2007	3.500	PO	No
2022	ACI-HPV-20-03-A	Phoenix	Happy Valley: I-17 to 35th Ave	2005	5.439	PO, PA	No

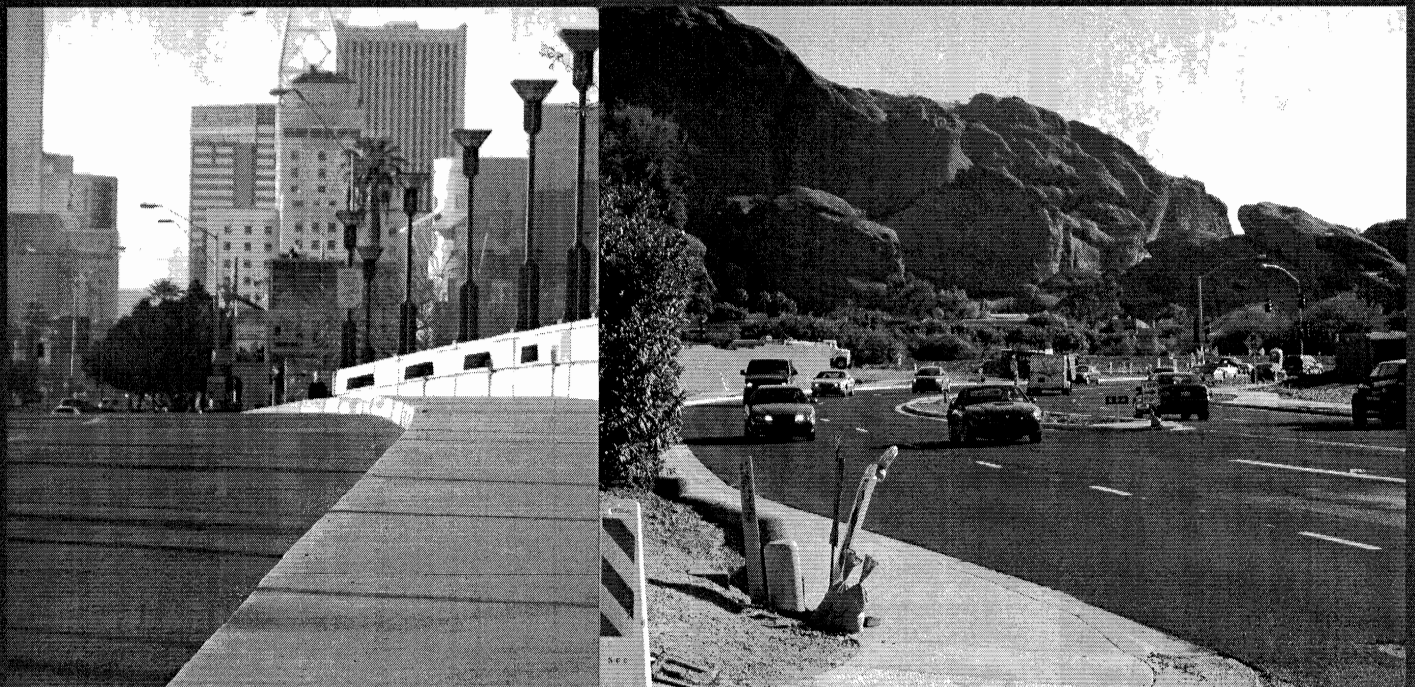
LEGEND

PA	Project Agreement
PO	Project Overview
PRR	Project Reimbursement Request
Reimb.	Reimbursement



ARTERIAL LIFE CYCLE PROGRAM POLICIES AND PROCEDURES

DECEMBER 19, 2007



1. Administrative adjustments do not require a Program or Project amendment because the adjustment does not qualify as a Project Update (Section 220) and does not cause a negative fiscal impact to the current fiscal year.
 2. Regional reimbursement budgets cannot be moved from a later fiscal year to an earlier fiscal year in an administrative adjustment. This would require an amendment.
- B. An administrative adjustment is needed when:
1. Project expenditures for a Project work phase or a Project segment are lower than the estimate, causing the 70% regional reimbursement to be less than the amount programmed in the current ALCP.
 2. The remaining regional reimbursement funds may be moved within the original Project, to another work phase or a Project Segment that is programmed in that fiscal year or a later fiscal year.
- C. At that time, the ALCP and Project budgets will be adjusted to reflect the remaining Project funds.
- D. Administrative Adjustments may occur each fiscal quarter. Changes will be reported in the ALCP Status Report, and the ALCP will be reprinted.

SECTION 260: ALCP RARF CLOSEOUT

- A. Annually, MAG Staff will determine the availability of RARF funds to be used for the ALCP RARF Closeout by April 15th.
1. MAG Staff will demonstrate the fiscal constraint of the ALCP with proposed ALCP RARF Closeout options.
 2. A Project or Project segment in the ALCP may not be adversely impacted, delayed, reduced or removed as a result of the reimbursement of RARF funds in the Closeout process to another Project, portion or segment.
 3. Lead Agencies and other agency(ies)/jurisdiction(s) listed in a Project Agreement that receive RARF Closeout funds will not be liable to reimburse the RARF funds to the Program if a Program deficit occurs in the future.
- B. The ALCP RARF Closeout Process will begin at the April TRC and continue through the MAG Committee process in May, one month before the annual update of the ALCP.
- C. To be considered for reimbursement with RARF Closeout funds, a Project must have completed the following Project Requirements: Project Overview, Project Agreement, and Project Reimbursement Request.
1. All three requirements must be completed and accepted by June 1st.
 2. The Project or Project segment must be completed/closed out.
- D. The determination and allocation of ALCP RARF Closeout funds for eligible completed projects will be made according to the following priorities (in sequential order):
1. Projects scheduled for reimbursement in the next fiscal year;
 2. All other Projects according to the chronological order of the programmed reimbursements

SECTION 270: USE OF SURPLUS OR DEFICIT PROGRAM FUNDS

- A. If a surplus Program funds occurs, existing Projects may be accelerated. Any acceleration will occur according to priority order of the ALCP.
1. For Projects to be accelerated, matching local funds must be committed.

May 20, 2008

TO: Members of the MAG Regional Council

FROM: Dennis Smith, Executive Director

SUBJECT: PROPOSED REVISIONS TO THE MAG ENHANCEMENT FUNDS WORKING GROUP

In April 1993, the Regional Council established the Enhancement Funds Working Group. The purpose of the Working Group is to make recommendations to the Arizona Department of Transportation Enhancement Fund Review Committee for the expenditure of federal transportation enhancement funds. Since the Working Group was established, some of the committees that provided representatives to the Working Group have ceased to exist and other vacancies have occurred on the Working Group. On May 14, 2008, the Management Committee recommended changes to the Working Group regarding (1) leadership, (2) composition and (3) operating procedures.

Background

The transportation enhancement program was established in 1991 by the Intermodal Surface Transportation Efficiency Act (ISTEA). In general, a transportation enhancement goes above and beyond normal or customary transportation activities and funding, and has a direct relation to the intermodal surface transportation system. Examples of eligible transportation enhancements include bicycle and pedestrian improvements, landscaping and other scenic beautification, and historic preservation programs. Each year, approximately \$12 to \$14 million are available on a statewide basis. In the MAG region, transportation enhancement projects are reviewed and ranked by two separate groups: 1) the MAG Enhancement Funds Working Group (EFWG); and 2) the Arizona Department of Transportation (ADOT) Transportation Enhancement Review Committee (TERC).

On April 28, 1993, the MAG Regional Council approved the formation of the EFWG to evaluate and make recommendations on transportation enhancement applications that would be submitted to ADOT. In establishing the working group, it was envisioned that its members would represent the eligible areas of transportation enhancement activities as defined in the federal legislation. According to guidance given by the MAG Regional Council, the EFWG consists of members representing the arts, landscape architecture/riparian interests, historic preservation and archaeology interests, and representatives of the MAG Regional Bicycle Task Force, MAG Pedestrian Working Group, and MAG Street Committee. The EFWG is co-chaired by a member of the Management Committee and a member agency elected official.

Since the formation of the EFWG, the Regional Development Policy Committee that provided a Co-Chair for the Working Group has ceased to exist. The Billboard Task Force that provided a member also no

longer exists. There are also some vacancies from other MAG modal committees. Historically, the co-chair representative from the Management Committee has been the Vice Chair or Chair of the Management Committee. The other representatives on the Enhancement Fund Working Group included interests such as the MAG Bicycle Committee, Street Committee, Pedestrian Committee, etc.

Revisions Proposed by the Management Committee

The Management Committee proposed that Enhancement Working Group be changed to the Enhancement Peer Review Group (EPRG). The recommendations from the Group would be considered by the Management Committee and the Regional Council. Also proposed was that the Chair of the Group be recommended from the membership of the MAG Transportation Review Committee. The appointment of the Chair and the Group members would be made by the Chair of the Regional Council. A summary of the proposed changes follows:

Composition and Operating Procedures

- ▶ Re-establish the EFWG as an Enhancement Peer Review Group (EPRG)
- ▶ Prohibit members serving on the (EPRG) from ranking their own projects
- ▶ Provide that members on the EPRG serve terms up to two years
- ▶ Geographically balance the membership on the EPRG.
- ▶ Ensure transparent voting

Leadership/Membership of the new Enhancement Peer Review Group

- ▶ Chaired by a member from the MAG Transportation Review Committee
- ▶ One Member from Streets Committee
- ▶ One Member from the Bicycle Task Force
- ▶ One Member from Pedestrian Working Group
- ▶ One Historic preservation representative
- ▶ One landscape architecture/riparian interest representative
- ▶ One Arts representative

If you have any questions regarding the proposed Enhancement Peer Review Group, please contact me or Kevin Wallace at the MAG office.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Consultation on Proposed Transportation Conformity Processes for the 2008 MAG Conformity Analysis

SUMMARY:

Federal and State conformity regulations require that Metropolitan Planning Organizations consult with federal, state, and local air quality and transportation agencies on proposed processes for conformity analyses on the Transportation Improvement Program and Transportation Plan. On May 6, 2008, MAG distributed for interagency consultation the conformity processes on the selection of proposed models, associated methods, and assumptions, identification of exempt projects, and ensuring the expeditious implementation of transportation control measures. The proposed processes will be applied beginning with the upcoming conformity analysis for an amendment to the FY 2008-2012 MAG Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan 2007 Update. Comments regarding this material are requested by May 23, 2008.

PUBLIC INPUT:

An opportunity for public comment was provided at the May 14, 2008 MAG Management Committee meeting and no public comments were received.

PROS & CONS:

PROS: Interagency consultation on the transportation conformity processes provides required notification to the planning agencies.

CONS: The consultation on transportation conformity processes requires additional time for the amendment to the FY 2008-2012 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2007 Update.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The 2008 MAG Conformity Analysis will be based upon the latest planning assumptions and EPA-approved emissions models.

POLICY: The consultation for the conformity processes is being conducted in accordance with MAG Conformity Consultation Processes adopted by the Regional Council in February 1996. The latest conformity finding on the FY 2008-2012 MAG Transportation Improvement Program and MAG Regional Transportation Plan 2007 Update was made by the Federal Highway Administration and Federal Transit Administration on November 19, 2007.

ACTION NEEDED:

For consultation.

PRIOR COMMITTEE ACTIONS:

Management Committee: This item was on the agenda of the May 14, 2008 MAG Management Committee meeting for consultation.

MEMBERS ATTENDING

- Charlie McClendon, Avondale, Chair
 - Patrice Kraus for Mark Pentz, Chandler, Vice Chair
 - # George Hoffman, Apache Junction
 - Scott Rounds for Jeanine Guy, Buckeye
 - * Jon Pearson, Carefree
 - Wayne Anderson for Usama Abujbarah, Cave Creek
 - Spencer Isom for B.J. Cornwall, El Mirage
 - * Phil Dorchester, Fort McDowell
 - Yavapai Nation
 - # Kate Zanon, Fountain Hills
 - * Gila Bend
 - * Joseph Manuel, Gila River Indian Community
 - George Pettit, Gilbert
 - Jessica Blazina for Ed Beasley, Glendale
 - John Fischbach, Goodyear
 - * RoseMary Arellano, Guadalupe
 - Darryl Crossman, Litchfield Park
 - Christopher Brady, Mesa
 - # Jim Bacon, Paradise Valley
 - Carl Swenson for Terry Ellis, Peoria
 - Karen Peters for Frank Fairbanks, Phoenix
 - # John Kross, Queen Creek
 - * Bryan Meyers, Salt River
 - Pima-Maricopa Indian Community
 - John Little, Scottsdale
 - Prisila Ferreira, Surprise
 - Charlie Meyer, Tempe
 - * Reyes Medrano, Tolleson
 - Gary Edwards, Wickenburg
 - Mark Hannah for Lloyce Robinson, Youngtown
 - Richard Travis for Victor Mendez, ADOT
 - Kenny Harris for David Smith, Maricopa County
 - David Boggs, Valley Metro/RPTA
- * Those members neither present nor represented by proxy.
Participated by telephone conference call.
+ Participated by videoconference call.

CONTACT PERSON:

Dean Giles, MAG, (602) 254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Social Service Block Grant Revised Allocation Recommendations

SUMMARY:

Under a planning contract with the Arizona Department of Economic Security (DES), the MAG Human Services planning program annually recommends allocations for locally planned Social Services Block Grant (SSBG) dollars to meet human services needs in the MAG region. On February 27, 2008, the MAG Regional Council approved the allocation recommendations for the Social Services Block Grant at the FY2008 funding level. On March 14, 2008, DES notified MAG that the U.S. Department of Health and Human Services is requiring revised allocation recommendations for SSBG funding reflecting a 19.722 percent budget cut proposed at the federal level. While it is hoped that the proposed budget cut will not be approved, a revised plan needs to be submitted to DES by the end of May.

In response to this request, the MAG Human Services Technical Committee (HSTC) met on April 10, 2008, and voted to implement the proposed cut evenly across the four target groups: Adults, Families and Children; Elderly, Persons with Disabilities; and Persons with Developmental Disabilities. HSTC also recommended that the proposed cut should be applied evenly to the services within the four target groups with one exception. The Committee recommended that service funding for persons with developmental disabilities would be allocated exclusively for extended employment services instead of funding other services as well. This was done under advisement from DES that the limited funding would have the most impact in this area. A report showing the new allocation recommendations is attached. The MAG HSTC voted to recommend the revised allocations for approval. The MAG Human Services Coordinating Committee recommended the revised allocations for approval on April 15, 2008.

PUBLIC INPUT:

Opportunities for public input were given at the April 10, 2008 MAG HSTC meeting, the April 15, 2008, MAG Human Services Coordinating Committee meeting and the May 14, 2008 MAG Management Committee meeting. No public input was received.

PROS & CONS:

PROS: DES allows MAG to identify, at the most local level, priority needs to be funded and contracted by DES in local communities. This flexibility allows the funding to be directed at the most critical needs based on assessment by people in the community.

CONS: The needs exceed the funds available. The funding base continues to decrease at the federal level and state transferred Temporary Assistance to Needy Families (TANF) funds are no longer available – causing significant cuts at the local level. This proposed further reduction in funding could eliminate some services as the programs may not be able to withstand the reduction in dollars. This will place a greater strain on the municipalities.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The shortfall in state revenue funds negatively impacted the amount of funds that have been made available to compensate for federal reductions in SSBG suffered over the past seven years. In addition, since 1996, it has been a challenge to have midyear changes to funding levels that often include

retroactive effective dates. The flexibility of the funds and the MAG process allow the region to respond appropriately to the changes.

POLICY: Since the advent of welfare reform in 1996, Congress has reduced the federal allocation of SSBG by 15 percent. This has forced the states to backfill losses to SSBG with TANF savings accumulated from the reduction in the welfare case loads. Since the federal SSBG allocation has diminished, and the state TANF replacement funds are not available, the region continues to maintain allocations which have reduced locally planned SSBG services. The futures of both the locally and state planned SSBG services depend on the recognition of the importance of these dollars at the federal level and a restoration of SSBG to its original \$2.38 billion level.

ACTION NEEDED:

Approval of the revised FY 2009 Social Services Block Grant allocation recommendations reflecting the proposed funding reduction at the federal level.

PRIOR COMMITTEE ACTIONS:

On May 14, 2008, the MAG Management Committee recommended approval of the revised FY 2009 Social Services Block Grant allocation recommendations reflecting the proposed funding reduction at the federal level.

MEMBERS ATTENDING

- | | |
|---|--|
| Charlie McClendon, Avondale, Chair | Darryl Crossman, Litchfield Park |
| Patrice Kraus for Mark Pentz, Chandler,
Vice Chair | Christopher Brady, Mesa |
| # George Hoffman, Apache Junction | # Jim Bacon, Paradise Valley |
| Scott Rounds for Jeanine Guy, Buckeye | Carl Swenson for Terry Ellis, Peoria |
| * Jon Pearson, Carefree | Karen Peters for Frank Fairbanks, Phoenix |
| Wayne Anderson for Usama | # John Kross, Queen Creek |
| Abujbarah, Cave Creek | * Bryan Meyers, Salt River |
| Spencer Isom for B.J. Cornwall, El Mirage | Pima-Maricopa Indian Community |
| * Phil Dorchester, Fort McDowell | John Little, Scottsdale |
| Yavapai Nation | Prisila Ferreira, Surprise |
| # Kate Zanon, Fountain Hills | Charlie Meyer, Tempe |
| * Gila Bend | * Reyes Medrano, Tolleson |
| * Joseph Manuel, Gila River Indian
Community | Gary Edwards, Wickenburg |
| George Pettit, Gilbert | Mark Hannah for Lloyce Robinson,
Youngtown |
| Jessica Blazina for Ed Beasley, Glendale | Richard Travis for Victor Mendez, ADOT |
| John Fischbach, Goodyear | Kenny Harris for David Smith,
Maricopa County |
| * RoseMary Arellano, Guadalupe | David Boggs, Valley Metro/RPTA |

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

On April 15, 2008, the MAG Human Services Coordinating Committee met and recommended approval of the revised FY 2009 Social Services Block Grant allocation recommendations reflecting the proposed funding reduction at the federal level.

MEMBERS ATTENDING

- | | |
|---|---|
| Mayor Marie Lopez Rogers, Avondale, Chair | + Councilmember Trinity Donovan, Chandler |
| * Vice Mayor Rob Antoniak, Goodyear | + Leslie Evans, Tempe Community Council |
| * Councilmember Dave Crozier, Gilbert | Laura Guild for Susan Hallett, Arizona |
| * Councilmember Roy Delgado, El Mirage | Department of Economic Security |

- + Councilmember Kyle Jones, Mesa, Vice Chair
- * Vice Mayor Manuel Martinez, Glendale
- * Carol McCormack, Mesa United Way
- Donna Reid, Chair of the City of Scottsdale

- Human Services Commission
- + Councilmember Onnie Shekerjian, Tempe
- * Supervisor Mary Rose Wilcox, Maricopa County

- + Those members present by audio/videoconferencing.
- * Those members neither present nor represented by proxy.

MAG Human Services Technical Committee met on April 10, 2008 and voted to recommend approval of the revised FY2009 Social Services Block Grant allocation recommendations reflecting the proposed funding reduction at the federal level.

MEMBERS ATTENDING

- Carl Harris-Morgan, Town of Gilbert, Chairman
- + Bob Baratko, City of Surprise
- * Kathy Berzins, City of Tempe
- Kyle Bogdon, DES/ACYF
- * Paige Garrett, Quality of Life Community Services, Inc.
- Joyce Gross, Town of Buckeye
- Jeffery Jamison, City of Phoenix
- Deanna Jonovich, City of Phoenix
- Jim Knaut, Area Agency on Aging
- Frances Delgado for Margarita Leyvas, Maricopa County

- Nanette Lubin for Joyce Lopez-Powell, Valley of the Sun United Way
- Steven MacFarlane, City of Phoenix
- Doris Marshall, City of Phoenix
- Jayson Matthews, Tempe Community Council
- Joy McClain, City of Tolleson
- Sandra Mendez, DES/CSA
- Sylvia Sheffield, City of Avondale, Vice Chair
- Martha Finnegan for Carol Sherer, DES/DDD
- Connie Stepnitz, City of Goodyear

- + Those members present by audio/videoconferencing.
- * Those members neither present nor represented by proxy.

CONTACT PERSON:

Amy St. Peter, MAG (602) 254-6300.

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
#1 Adults, families and children are unable to meet basic needs and to attain a level of self-sufficiency.	SHELTER - (1) Homeless Families and Individuals (7) Transitional Housing for the Homeless who are Elderly and Disabled	SHELTER - Provide homeless families with shelter at an emergency homeless shelter and supportive services to decrease future emergency housing needs. Provide transitional housing for homeless individuals who are elderly or have physical disabilities.	\$165,479 [\$82,739.5] [\$82,739.5]	132,843.23	132,843.23
	CASE MANAGEMENT - (5) Basic Needs	Assist individuals and families in dealing with a variety of crisis situations (financial, housing, nutrition, abuse, stress, family functioning) by providing support, identifying appropriate resources, assisting in the development of a plan to resolve the immediate problem(s) presented, and assisting the client in developing a plan to achieve self-sufficiency.	\$976,672	739,343.52	*783,854 * FY2009 amount is higher than FY08 amount because additional money was transferred during the year.
	CASE MANAGEMENT (8) Homeless, Emergency Shelter	Provide a broad array of support and services to homeless individuals in emergency shelter to develop a service plan and secure appropriate resources.	\$173,059	138,928.30	138,928.30
#1 - continued	CASE MANAGEMENT (9) Homeless, Transitional Housing	Assist homeless individuals/families, including victims of domestic violence, in a transitional housing program to develop a service plan, provide support and secure appropriate resources.	\$64,376	51,679.77	51,679.77
	TRANSPORTATION	Assist homeless or unemployed individuals with		12,632.55	12,632.55

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
	(14) Homeless/Unemployed	transportation.	\$15,736		
#2. Individuals Experience Abuse and Neglect	CRISIS SHELTER SERVICES (3) Domestic Violence	Provide short-term counseling and shelter to adults and families experiencing crisis situations, which may include domestic violence, neglect, exploitation and abuse (physical/mental).	\$334,136	268,237.70	268,237.70
	CRISIS SHELTER SERVICES (6) Children and Runaway Children	Assist children who have run away from home or who are experiencing serious family disruption. The service is intended for children referred from a variety of sources, not only Child Protective Services (CPS) referrals.	\$69,217	55,566.02	55,566.02
	SUPPORTIVE INTERVENTION/GUIDANCE COUNSELING (18) Outpatient Domestic Violence Victims	This service is intended to be provided countywide and first priority should be given to referrals for service that come from the domestic violence shelters in Maricopa County. This service focuses on providing short-term support and identification of community resources. The goals of this service are to improve the emotional and mental well being of eligible individuals; to increase or maintain safety and self-sufficiency of the eligible individuals; and to ensure the availability of information about and access to appropriate human services and community resources.	\$40,332	32,377.72	32,377.72
#2 Continued	SUPPORTIVE INTERVENTION/GUIDANCE COUNSELING (19) High Risk Children	Provide counseling directly to a "high risk" child to prevent the child's lack of self-esteem, poor school performance, illiteracy, or functional limitations. The service may secondarily address impacts upon the child resulting from inadequate parenting, inadequate role modeling, poverty, or family stresses. Assistance may be provided in a community or school setting. The intent is not to supplant other funding sources, but to expand the availability of this type of service.	\$47,021	37,747.52	37,747.52
	CASE MANAGEMENT	Assist pregnant and parenting youth to resolve immediate problems and secure necessary	*\$38,283	*75,442.05	30,732.83* *FY09 amount

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
	(28) Pregnant/Parenting Youth	resources to achieve self-sufficiency.			is lower than FY08 amount because money was moved during the year.
	(37) PARENTING SKILLS TRAINING	Train parents to prevent abuse and neglect of children. This service also targets pregnant teenagers to prevent potential child abuses.	No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#3 Affordable housing is not available for all individuals.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#4 Individuals need encouragement, and education support to enable them to find and maintain jobs with adequate wages and relevant job training.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#5 An adequate level of supervision, and education protection is needed for infants and children.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#6 There is a need to support community programs that create conditions and	(39) PREVENTION <i>[AZ Dictionary definition: This service provides for planned efforts to prevent specific conditions,</i>	<ul style="list-style-type: none"> Community-based service which demonstrates and documents increased resiliency among youth at risk and demonstrates and documents the reduction of risk factors within a community or 	No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
opportunities for children and youth that support positive development.	<i>illnesses, injuries, or environmental hazards that could place an individual or community at risk for a negative social or health outcome.</i>	<p>youths= living environment(s).</p> <ul style="list-style-type: none"> For purposes of this intent, <i>resiliency</i> is defined as <i>the capacity to spring back, rebound, successfully adapt in the face of adversity, and develop social competency despite exposure to severe stress. Youth are defined as young residents of Maricopa County generally described by (but not limited to) school grade/year levels Kindergarten through nine and/or ages five (5) years through sixteen (16) years--with emphasis on upper elementary through junior high age youth.</i> Process and outcome evaluation methodology and reporting are required components of all proposals and awards. Requires collaborative effort among agencies, documented by signed letters of commitment. Collaboration is defined as: Communities, agencies or local organizations joining together, through written agreements, to provide services, based on common goals and shared funding. Partners agree to pool resources, jointly plan, implement and evaluate new services and procedures and delegate individual responsibility for the outcomes of their joint efforts. (See RFP for more complete definitions.) 	No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#7 Families with infants and children require support to develop and maintain a positive, stable atmosphere, which will nurture children, provide them with security and			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
protection, and prepare them for the future.					
#8 Individuals, families and children are unable to effectively cope with behavioral health (alcohol and drug abuse and mental health) problems. Lack of prevention and early intervention services increases the seriousness of these problems. The suicide rate for teenage Arizona youth continues to be one of the highest in the nation.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
9 Minority youth are over represented in the criminal justice system and child protective services system and under represented in other systems.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
#10 The increasing number and circumstances of teen pregnancies is alarming in terms of negative social consequences for the teen parents, their child, their families, and society in			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS

TARGET GROUP: ADULTS, FAMILIES and CHILDREN

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
general. Teen pregnancy may be a symptom or an indicator of other serious problems. There appears to be no consensus regarding which strategy(ies) may prevent unnecessary teen pregnancies or their causes.					
11 Individuals need opportunities for positive socialization			No SSBG funds recommended.	No SSBG funds	No SSBG funds
#12 The service delivery system is fragmented and lacks a coordinated approach to meeting the community-identified needs of children and families.			No SSBG funds recommended.	No SSBG funds recommended	No SSBG funds recommended
TOTAL TARGET GROUP FUNDING RECOMMENDATION			\$1,924,311	1,544,798.38	1,544,798.38

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: ELDERLY

2007-2008 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
#1 Elderly persons with physical or mental limitations and economic barriers increasingly are unable to provide for their nutritional needs. Collaboration, coordination and/or cooperation in delivering services are of prime importance to resolving this problem. There is increased concern about the possible loss of federal programs that have met this need in the recent past.	(2) HOME DELIVERED MEALS	Assist persons who cannot prepare their meals, are without other resources to assist them in this function, and who would be at risk of institutionalization were it not offered.	\$411,214	330,114.37	330,114.37
#2 Elderly persons with physical or mental limitations and economic barriers may be institutionalized prematurely because of a lack of home and community based services.	(4) HOME CARE: Housekeeping/Homemaker, Chore, Home Health Aid, Personal Care, Respite, and Nursing Services	Provide in-home care (Housekeeping/Homemaker, Chore, Home Health Aid, Personal Care, Respite, and Nursing Services) to persons who are unable to perform activities of daily living and thus are at risk of institutionalization.	\$159,604	128,126.90	128,126.90
	(11) ADULT DAY CARE/ADULT DAY HEALTH CARE	Provide care and supervision, a noon meal, socialization, structured activities, personal care and physical/intellectual stimulation in a community setting to frail elderly who are at risk of institutionalization because they are unable to be alone for long periods of time due to their condition.	\$203,322	163,222.84	163,222.84
#3 Specialized transportation is a major problem for elderly because (a) their physical and economic conditions often limit their ability to use available transportation and (b) transportation is unavailable in some areas of the county and unavailable at needed times in those areas of the county where there is available transportation. Because of these limitations, elderly persons are unable to access available services. This is especially critical for the growing number of elderly individuals	(12) TRANSPORTATION	Transport and/or escort elderly people who are without other resources to needed services.	\$34,581	27,760.94	27,760.94

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: ELDERLY

2007-2008 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
with chronic medical conditions, such as the need for dialysis and chemotherapy.					
#4 Elderly living on fixed incomes experience difficulty meeting their housing costs including rent, utilities, maintenance, repairs, taxes and insurance. There is concern about potential funding cuts in federal utility assistance programs.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#5 Elderly people often have difficulty obtaining medical, dental, housing, social or recreational services. Programs such as Medicaid (AHCCCS or ALTCS), energy assistance, food stamps, housing, and others are inadequate to meet the needs of elderly people. As a result of the delays and denials encountered, they experience economic hardships and emotional stress.	(24) SUPPORTIVE INTERVENTION/GUIDANCE COUNSELING	Assist elderly who are in crisis or in an unsatisfactory living situation to enable them to live as independently as possible.	\$177,775	142,714.21	142,714.21
#6 Elderly are subjected to physical, emotional and financial abuse, neglect and exploitation.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#7 Limited behavioral health resources do not provide adequate prevention and treatment services to this population. Elderly living in Arizona experience the highest suicide rate in the nation.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#8 Community outreach to the elderly generally is not inclusive nor responsive to cultural and language diversity, and some elderly do not perceive themselves as being eligible or needing services.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: ELDERLY

2007-2008 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
#9 Care giving responsibilities often produce physical, emotional and financial stress for a family.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#10 Elderly often need to work due to economic conditions and changing family structures. They often experience age discrimination in employment and need education, retraining and support to help them find and retain jobs with adequate wages.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#11 Elderly often need assistance with legal issues, including guardianship, living wills, durable powers of attorney, and medical and property issues.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
TARGET GROUP TOTAL FUNDING RECOMMENDATION			\$986,496	791,939.26	791,939.26

DISTRICT 1: MARICOPA COUNTY -- 2008 - 2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DEVELOPMENTAL DISABILITIES

2008 - 2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	FY2009 Funding
#1 Individuals who have developmental disabilities and their families lack access, resources and opportunities to year round community day programs, socialization services, recreation activities, respite services and transportation resources.	(25) RESPITE SERVICE	Trained and qualified staff provide supervision, short-term care, a safe living environment, support and relief to the caregivers of individuals who have developmental disabilities. Service priority is to caregivers, whose individuals are not eligible for ALTCS or AZEIP funded services.	\$36,229	29,083.92	0
	(40) SOCIALIZATION AND RECREATION SERVICES	Trained and qualified staff provide opportunities and participation in integrated socialization, recreation and community day programs to individuals who have developmental disabilities. Service is not used by ALTCS eligible individuals for ALTCS funded services.	No SSBG Funds recommended.	No SSBG Funds recommended.	
	(16) TRANSPORTATION SERVICE	Trained and qualified staff provide transportation services to individuals of any age who have developmental disabilities. ALTCS eligible individuals may use SSBG funded transportation service to access non-ALTCS services described in their Individual Service Plan (ISP).	\$25,350	20,350.47	0
#2 Many individuals who have developmental disabilities exit the school system and are unable to access meaningful community employment or specialized employment-related programs. MAG committee members agree mentoring/training of employers who hire individuals who have developmental disabilities are beneficial. Retraining employers is also critical so positions held by individuals who have developmental disabilities are retained in the event of a leadership change or staff turnover.	EXTENDED SUPPORTED EMPLOYMENT SERVICES (15)	Services are for individuals who have developmental disabilities and need work training opportunities or specialized employment services in individual job coaching, job support modifiers, supported employment, sheltered employment, specialized work programs and transportation. More than one type of service may be used simultaneously. The individual support plan (ISP) team determines the choice of service, duration, frequency and ALTCS eligible individuals.	\$336,435	270,083.29	436,532.50
	(23)	Services are for individuals who have developmental disabilities, reside in their family home and need work training opportunities or specialized employment services in individual job coaching, job support modifiers, supported employment, sheltered employment, specialized work programs and transportation. More than one type of service may be used simultaneously. The individual support plan (ISP) team determines the choice of service, duration, frequency and specific strategies.	\$74,761	60,016.64	0

DISTRICT 1: MARICOPA COUNTY -- 2008 - 2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DEVELOPMENTAL DISABILITIES

2008 - 2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	FY2009 Funding
		used. Services are for non-ALTCS eligible individuals.	(\$411,196)	(\$411,196)	0
#3 Individuals who have developmental disabilities have limited access to therapeutic services, instructional role models and community support systems, to minimize functional severity of their disabilities and to enhance necessary coping skills for daily life activities with their families and others in the community.	(32) OCCUPATIONAL THERAPY	Service is by medical prescription and under the supervision and/or delivered by a licensed or registered Occupational Therapist, to direct participation of individuals who have developmental disabilities in selected therapy activities to restore, maintain and improve functional skills. Service is for non-ALTCS eligible individuals and does not supplant or supplement AZEIP funded services.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
	(36) SPEECH THERAPY	Service is by medical prescription and under supervision and/or delivered by a licensed or registered Speech Language Pathologist, to improve communication skills of individuals who have developmental disabilities, in the areas of receptive and expressive language, voice, articulation, fluency and aural habilitation, through therapy evaluations, programs, training and treatment modalities. Service is for non-ALTCS eligible individuals and does not supplant or supplement AZEIP funded services.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
	(33) PHYSICAL THERAPY	Service is by medical prescription and under supervision and/or delivered by a licensed or registered Physical Therapist, to provide therapy treatment for individuals who have developmental disabilities and to maintain, improve or restore muscle tone, joint mobility or physical function. The service is for non-ALTCS eligible persons and does not supplant or supplement AZEIP funded services.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
	(38) SUPPORTIVE INTERVENTION/ GUIDANCE COUNSELING	Service is delivered by a licensed psychologist to provide support, intervention and counsel to an individual's caregiver, family member or individual who has developmental disabilities. Service is not limited by age or ALTCS eligibility.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#4 Many individuals who have developmental disabilities need skill	(27) HABILITATION SERVICES	Trained and qualified staff provide individuals who have developmental disabilities with strategies, training and	\$35,671	28,635.97	0

DISTRICT 1: MARICOPA COUNTY -- 2008 - 2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DEVELOPMENTAL DISABILITIES

2008 - 2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	FY2009 Funding
development, training and assistance in their daily living activities and personal care needs, in one's home or in the community.	(21) ATTENDANT CARE SERVICE	assistance in the areas of habilitative therapies, special developmental skills, behavior intervention, sensory motor skills, daily living activities and personal care, to maximize one's functional skills and quality of life in the community. Service is for non-ALTCS eligible individuals. Trained and qualified staff provide individuals who have developmental disabilities the necessary services to remain in one's home, to maintain a safe and sanitary living environment, to participate in daily living activities, community resources and work activities. Service is for non-ALTCS eligible individuals.	\$35,330	28,362.22	0
#5 Individuals who have developmental disabilities become parents and lack or have limited family support systems, appropriate community resources, family assistance benefits, varied levels of parenting skills and limited or no transportation resources, to be effective parents for their children and to function as a family unit in the community.	PARENT AIDE SERVICE	Qualified staff that are trained and skilled in parent aide services, provide to parents who have developmental disabilities, a range of long term, in-home support services, which include parent training in roles and responsibilities to their children, home management training and direct family assistance services, according to the family's service plan. Service is not limited by client age or ALTCS eligibility.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
TARGET GROUP TOTAL FUNDING RECOMMENDATION			\$543,776	436,532.50	436,532.50

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DISABILITIES

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
#1 Many individuals with disabilities need assistance and access to a more coordinated and greater array of resources and services such as employment, training, transportation, affordable and accessible housing, attendant and personal care and dental care to achieve independent living.	(10) HOME DELIVERED MEALS	Provide and deliver nutritious meals to non-elderly persons with disabilities to enable them to remain as independent as possible. Persons with physical disabilities should be given first consideration.	\$19,104	15,336.31	15,336.31
	(13) HOME CARE: <ul style="list-style-type: none"> Housekeeping/Homemaker, Chore, Home Health Aid, Personal Care, Respite, and Nursing Services 	Provide a program of services to enable non-elderly persons with disabilities to remain in their own homes. Persons with physical disabilities should be given first consideration.	\$37,318	29,958.14	29,958.14
	(17) SUPPORTED EMPLOYMENT, EXTENDED	Provide a continuum of specialized employment related services for persons with severe disabilities to enable them to maintain employment in the least restrictive environment possible for the individual.	\$239,452	192,227.28	192,227.28
	(20) CONGREGATE MEALS	Provide nutritious meals to persons with disabilities in a congregate setting.	\$13,425	10,777.32	10,777.32
	(22) ADULT DAY CARE/ADULT DAY HEALTH CARE <ul style="list-style-type: none"> Non elderly 	Provide services to non-elderly persons with disabilities utilizing existing community programs wherever possible. Persons with physical disabilities should be given first consideration.	\$13,425	10,777.32	10,777.32
	(26) SUPPORTIVE INTERVENTION/GUIDANCE COUNSELING <ul style="list-style-type: none"> Employment Related 	Assist persons with disabilities in recognizing strengths and limitations, needs and opportunities,	\$22,540	18,094.66	18,094.66

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DISABILITIES

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
		to enable the individual to become employable.			
#1 <i>Continued</i>	(29) ADAPTIVE AIDS AND DEVICES	Provide aids or devices to assist persons with disabilities to become as self-sufficient as possible.	\$19,692	15,808.34	15,808.34
	(30) REHABILITATION INSTRUCTIONAL SERVICES	Provide a program of services to enable individual persons with disabilities to remain as independent as possible.	\$21,040	16,890.49	16,890.49
	(34) INTERPRETER --access community services	Provide interpreter service to assist individual persons with disabilities in accessing community services.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#2 Lack of transportation is the greatest barrier and frustration to accessing programs that are available to persons with disabilities.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#3 Many individuals with disabilities, including those who are homeless and those who are from diverse and/or non-English speaking cultures, lack the information, training, skills or assistance to effectively access services and benefit programs.	SUPPORTIVE INTERVENTION/GUIDANCE COUNSELING (31) Access to Benefits (41) People with disabilities who are homeless (35) Coping with Stress of a Disability	a. Provide information and assistance to persons with disabilities to access services and benefit programs. Persons with physical disabilities should be given first consideration. b. Provide information and assistance to homeless persons with disabilities to access services and benefit programs. Persons with physical disabilities should be given first consideration. 3. Assist persons with disabilities in coping with stress and the effects of their disability to enable them to be as independent as possible.	No SSBG funds recommended. No SSBG funds recommended. No SSBG funds recommended.	No SSBG funds recommended. No SSBG funds recommended. No SSBG funds recommended.	No SSBG funds recommended. No SSBG funds recommended. No SSBG funds recommended.

DISTRICT 1: MARICOPA COUNTY -- 2008-2009 SOCIAL SERVICES BLOCK GRANT RECOMMENDATIONS
TARGET GROUP: PERSONS WITH DISABILITIES

2008-2009 PROBLEM STATEMENT	SERVICE TITLE & SERVICE RANKING ACROSS TARGET GROUPS	SERVICE INTENT(S)	FY2009 Funding	Revised FY2008 Funding	Revised FY2009 Funding
#4 Many individuals with disabilities have limited access to social and recreational programs in the community.	(42) VOLUNTEER MANAGEMENT <ul style="list-style-type: none"> Socialization and Recreation Services 	Provide a coordinator of volunteers for a recreation/socialization program for persons with severe disabilities.	No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#5 Early information is needed for people with disabilities to attain an optimal functional level.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#6 Many individuals with disabilities have limited access to public buildings.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
#7 A lack of sensitivity awareness or peer mentoring by employers of people who have disabilities often exists. A good employer of people with disabilities is needed to mentor other employers who may potentially hire persons with disabilities.			No SSBG funds recommended.	No SSBG funds recommended.	No SSBG funds recommended.
TARGET GROUP TOTAL FUNDING RECOMMENDATION			\$385,996	309,869.87	309,869.87

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Approval of the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget

SUMMARY:

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in April by the federal agencies and approved by the Regional Council in May. The proposed budget information was presented incrementally and adjustments made as information was received.

The Management Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 9, February 13, March 14, April 9, and May 14, 2008. The Regional Council reviewed the draft budget document at its meetings on January 30, February 27, March 26 and April 23, 2008.

Each year new projects are proposed for inclusion in the MAG planning efforts. The proposed new projects for FY 2009 were presented at the February 13, 2008 Management Committee meeting, the March 17, 2008 Executive Committee meeting, and the February 27, 2008 Regional Council meeting. Updates on new projects were presented at the March committee meetings. These new project proposals come from the various MAG technical committees, policy committees and other discussions with members and stakeholders regarding joint efforts within the region. These projects are subject to review and input by the committees as they go through the budget process.

The review of the draft Work Program and Annual Budget for the Intermodal Planning Group meeting on April 2, 2008 did not result in any new recommendations for the FY 2009 Work Program and Annual Budget document. The recommendations from last year were implemented in the draft FY 2009 Work Program and include listing the Human Services Coordination Transportation Plan and adding an overview section to the budget document to assist in locating the current issues. A memorandum of understanding signed by the cooperating entities including MAG, the Regional Public Transportation Authority, Valley Metro Rail, and the City of Phoenix for cooperative planning between transit and transportation agencies was added in the appendix to the budget for FY 2008 and is included in the FY 2009 budget.

The capital budget has been revised adding \$14,000 to include the purchase of computer equipment. The estimated total operating costs reflect a 5.04 percent increase from the current year. This increase is, for the most part, due to an accounting recategorization of budgeted non-capital data purchases, moving this into an overhead line item. Overall including carryforward totals, the final draft budget for FY 2009 reflects a small increase of 1.25 percent from the overall budgeted amount in the current year.

The MAG region, as a Transportation Management Area and as a Metropolitan Planning Organization, is required (by federal regulations 23 CFR 450.314) to describe all of the regional transportation-related activities within the planning area, regardless of funding sources or agencies conducting activities. The regional transportation projects received from other organizations are noted in the Work Program.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: MAG is presenting the final draft FY 2009 budget, which provides for an incremental review of key budget details of the complete draft budget.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Federal Intermodal Surface Transportation Efficiency Act of 1991 requires a metropolitan planning organization to develop a unified planning work program that meets the requirements of federal law. Additionally, the MAG By-Laws require approval and adoption of a budget for each fiscal year and a service charge schedule.

POLICY: As requested by the MAG Executive Committee and subsequently approved by the Regional Council in May 2002, the MAG Work Program and Annual Budget detail is being presented earlier to the Management Committee and there is increased notice to members on the budget as it is drafted. MAG is providing a budget summary, "MAG Programs In Brief," that outlines new programs and presents the necessary resources to implement these programs. This summary allows member agencies to quickly decipher the financial implications of such programs prior to their approval for implementation. The draft FY 2008 Unified Planning Work Program and Annual Budget is also provided.

ACTION NEEDED:

Approval of the resolution adopting the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

PRIOR COMMITTEE ACTIONS:

On May 19, 2008, the Executive Committee recommended approval of the resolution adopting the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair
Mayor Mary Manross, Scottsdale, Vice Chair
* Mayor Steven M. Berman, Gilbert
Mayor Keno Hawker, Mesa

Vice Mayor Peggy Neely, Treasurer
Mayor Marie Lopez Rogers, Avondale
Mayor Thomas L. Schoaf, Litchfield Park

* Not present

Participated by video or telephone conference call

On May 14, 2008, the Management Committee Recommend approval of the resolution adopting the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

MEMBERS ATTENDING

Charlie McClendon, Avondale, Chair
Patrice Kraus for Mark Pentz, Chandler, Vice Chair
George Hoffman, Apache Junction
Scott Rounds for Jeanine Guy, Buckeye
* Jon Pearson, Carefree
Wayne Anderson for Usama Abujbarah, Cave Creek
Spencer Isom for B.J. Cornwall, El Mirage
* Phil Dorchester, Fort McDowell Yavapai Nation
Kate Zanon, Fountain Hills
* Gila Bend

Darryl Crossman, Litchfield Park
Christopher Brady, Mesa
Jim Bacon, Paradise Valley
Carl Swenson for Terry Ellis, Peoria
Karen Peters for Frank Fairbanks, Phoenix
John Kross, Queen Creek
* Bryan Meyers, Salt River Pima-Maricopa Indian Community
John Little, Scottsdale
Prisila Ferreira, Surprise
Charlie Meyer, Tempe
* Reyes Medrano, Tolleson
Gary Edwards, Wickenburg

- * Joseph Manuel, Gila River Indian Community
George Pettit, Gilbert
Jessica Blazina for Ed Beasley, Glendale
John Fischbach, Goodyear
- * RoseMary Arellano, Guadalupe

Mark Hannah for Lloyce Robinson, Youngtown
Richard Travis for Victor Mendez, ADOT
Kenny Harris for David Smith, Maricopa Co.
David Boggs, Valley Metro/RPTA

- * Those members neither present nor represented by proxy.
- # Participated by telephone conference call.
- + Participated by videoconference call.

This item was on the April 23, 2008 Regional Council agenda.

MEMBERS ATTENDING

- Mayor James M. Cavanaugh, Goodyear, Chair
- Mayor Mary Manross, Scottsdale, Vice Chair
- # Councilmember Robin Barker, Apache Junction
- Mayor Marie Lopez Rogers, Avondale
- * Mayor Bobby Bryant, Buckeye
- Mayor Wayne Fulcher, Carefree
- Vice Mayor Gilbert Lopez for Councilmember Dick Esser, Cave Creek
- # Mayor Boyd Dunn, Chandler
- Mayor Fred Waterman, El Mirage
- Treasurer Pamela Mott for Fort McDowell Yavapai Nation
- Mayor Wally Nichols, Fountain Hills
- Mayor Fred Hull, Gila Bend
- * Governor William Rhodes, Gila River Indian Community
- Mayor Steven Berman, Gilbert
- Mayor Elaine Scruggs, Glendale
- Mayor Rebecca Jimenez, Guadalupe

- Councilmember Paul Stucky for Mayor Thomas Schoaf, Litchfield Park
- Supervisor Don Stapley for Supervisor Max W. Wilson, Maricopa Co.
- Mayor Keno Hawker, Mesa
- Mayor Ed Winkler, Paradise Valley
- Mayor Bob Barrett, Peoria
- Vice Mayor Peggy Neely, Phoenix
- # Mayor Art Sanders, Queen Creek
- Vice President Martin Harvier for President Diane Enos, Salt River Pima-Maricopa Indian Community
- Mayor Lyn Truitt, Surprise
- * Mayor Hugh Hallman, Tempe
- * Mayor Adolfo Gamez, Tolleson
- * Mayor Ron Badowski, Wickenburg
- Mayor Michael LeVault, Youngtown
- Felipe Zubia, State Transportation Board
- Victor Flores, State Transportation Board
- * David Martin, Citizens Transportation Oversight Committee

- * Those members neither present nor represented by proxy.
- # Attended by telephone conference call.
- + Attended by videoconference call.

This item was on the April 14, 2008 Regional Council Executive Committee agenda.

MEMBERS ATTENDING

- Mayor James M. Cavanaugh, Goodyear, Chair
- Mayor Mary Manross, Scottsdale, Vice Chair
- Mayor Steven M. Berman, Gilbert
- Mayor Keno Hawker, Mesa

- Vice Mayor Peggy Neely, Treasurer
- * Mayor Marie Lopez Rogers, Avondale
- Mayor Thomas L. Schoaf, Litchfield Park

- * Not present
- # Participated by video or telephone conference call

This item was on the April 9, 2008 MAG Management Committee agenda.

MEMBERS ATTENDING

- Charlie McClendon, Avondale, Vice Chair
- George Hoffman, Apache Junction

- Jeanine Guy, Buckeye
- Jon Pearson, Carefree

Usama Abujbarah, Cave Creek
Mark Pentz, Chandler
Spencer Isom for B.J. Cornwall, El Mirage
Phil Dorchester, Fort McDowell
Yavapai Nation

Kate Zanon, Fountain Hills

Lynn Farmer, Gila Bend
Joseph Manuel, Gila River Indian
Community

George Pettit, Gilbert

Ed Beasley, Glendale

Mark Brown for Brian Dalke, Goodyear

Mark Johnson, Guadalupe

Darryl Crossman, Litchfield Park

Christopher Brady, Mesa

Jim Bacon, Paradise Valley

Carl Swenson for Terry Ellis, Peoria

Karen Peters for Frank Fairbanks, Phoenix

John Kross, Queen Creek

Bryan Meyers, Salt River Pima-Maricopa
Indian Community

Brad Lundahl for John Little, Scottsdale

Prisila Ferreira, Surprise

Amber Wakeman for Charlie Meyer, Tempe

Chris Hurley for Reyes Medrano, Tolleson

Gary Edwards, Wickenburg

* Lloyce Robinson, Youngtown

* Victor Mendez, ADOT

Kenny Harris for David Smith, Maricopa Co.

David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+Participated by videoconference call.

Regional Council: This item was on the March 26, 2008 Regional Council agenda.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair

* Mayor Mary Manross, Scottsdale, Vice Chair

Councilmember Robin Barker, Apache Junction

Mayor Marie Lopez Rogers, Avondale

+ Councilmember Elaine May for

Mayor Bobby Bryant, Buckeye

* Mayor Wayne Fulcher, Carefree

* Councilmember Dick Esser, Cave Creek

Mayor Boyd Dunn, Chandler

Mayor Fred Waterman, El Mirage

* President Clinton Pattea, Fort McDowell
Yavapai Nation

* Mayor Wally Nichols, Fountain Hills

Mayor Fred Hull, Gila Bend

* Governor William Rhodes, Gila River
Indian Community

Mayor Steven Berman, Gilbert

* Mayor Elaine Scruggs, Glendale

Mayor Rebecca Jimenez, Guadalupe

Mayor Thomas Schoaf, Litchfield Park

Supervisor Max W. Wilson, Maricopa County

Mayor Keno Hawker, Mesa

Mayor Ed Winkler, Paradise Valley

Mayor Bob Barrett, Peoria

Vice Mayor Peggy Neely, Phoenix

Mayor Art Sanders, Queen Creek

* President Diane Enos, Salt River
Pima-Maricopa Indian Community

Mayor Lyn Truitt, Surprise

Mayor Hugh Hallman, Tempe

* Mayor Adolfo Gamez, Tolleson

* Mayor Ron Badowski, Wickenburg

Mayor Michael LeVault, Youngtown

Felipe Zubia, State Transportation Board

* Vacant, State Transportation Board

* David Martin, Citizens Transportation
Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

This item was on the March 17, 2008 Regional Council Executive Committee agenda.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear,
Chair

* Mayor Keno Hawker, Mesa

Mayor Mary Manross, Scottsdale, Vice Chair

Mayor Thomas L. Schoaf, Litchfield Park

Vice Mayor Peggy Neely, Treasurer

Mayor Marie Lopez Rogers, Avondale

Mayor Steven M. Berman, Gilbert

* Not present

Participated by video or telephone conference call

Management Committee: This item was on the March 14, 2008 Management Committee agenda.

MEMBERS ATTENDING

- | | |
|--|---|
| <ul style="list-style-type: none">* Jan Dolan, Scottsdale, ChairCharlie McClendon, Avondale, Vice Chair* George Hoffman, Apache Junction* Jeanine Guy, BuckeyeJon Pearson, Carefree* Usama Abujbarah, Cave CreekMark Pentz, ChandlerSpencer Isom for B.J. Cornwall, El MiragePhil Dorchester, Fort McDowellYavapai Nation* Kate Zanon, Fountain HillsLynn Farmer, Gila Bend* Joseph Manuel, Gila River Indian CommunityGeorge Pettit, GilbertHoratio Skeete for Ed Beasley, Glendale* Brian Dalke, Goodyear | <ul style="list-style-type: none">Mark Johnson, Guadalupe* Darryl Crossman, Litchfield ParkChristopher Brady, MesaJim Bacon, Paradise ValleyTerry Ellis, PeoriaFrank Fairbanks, Phoenix* John Kross, Queen Creek* Bryan Meyers, Salt River Pima-Maricopa Indian CommunityKathy Rice for SurpriseCharlie Meyer, Tempe* Reyes Medrano, TollesonGary Edwards, Wickenburg* Lloyce Robinson, YoungtownRakesh Tripathi for Victor Mendez, ADOT* David Smith, Maricopa CountyDavid Boggs, Valley Metro/RPTA |
|--|---|
- * Those members neither present nor represented by proxy.
Participated by telephone conference call. +Participated by videoconference call.

Regional Council: This item was on the February 27, 2008 Regional Council agenda.

MEMBERS ATTENDING

- | | |
|--|--|
| <ul style="list-style-type: none">Mayor James M. Cavanaugh, Goodyear, Chair* Mayor Mary Manross, Scottsdale, Vice Chair# Councilmember Robin Barker, Apache JunctionMayor Marie Lopez Rogers, Avondale# Councilmember Elaine May for Mayor Bobby Bryant, Buckeye# Mayor Wayne Fulcher, CarefreeVice Mayor Gilbert Lopez for Councilmember Dick Esser, Cave CreekMayor Boyd Dunn, ChandlerMayor Fred Waterman, El Mirage* President Raphael Bear, Fort McDowellYavapai NationCouncilmember Jay Schlum for Mayor Wally Nichols, Fountain HillsMayor Fred Hull, Gila Bend* Governor William Rhodes, Gila River Indian CommunityMayor Steven Berman, Gilbert* Mayor Elaine Scruggs, Glendale* Mayor Rebecca Jimenez, Guadalupe | <ul style="list-style-type: none">* Mayor Thomas Schoaf, Litchfield ParkSupervisor Max W. Wilson, Maricopa CountyMayor Keno Hawker, MesaCouncilmember Brian Cooney for Mayor Ed Winkler, Paradise ValleyMayor Bob Barrett, Peoria* Vice Mayor Peggy Neely, PhoenixMayor Art Sanders, Queen CreekVice President Martin Harvier for President Diane Enos, Salt River Pima-Maricopa Indian CommunityMayor Lyn Truitt, SurpriseMayor Hugh Hallman, Tempe* Mayor Adolfo Gamez, Tolleson# Mayor Ron Badowski, WickenburgMayor Michael LeVault, YoungtownFelipe Zubia, State Transportation Board* Vacant, State Transportation Board* Vacant, Citizens Transportation Oversight Committee |
|--|--|
- * Those members neither present nor represented by proxy.
Attended by telephone conference call. + Attended by videoconference call.

This item was on the February 19, 2008 Regional Council Executive Committee agenda.

MEMBERS ATTENDING

- | | |
|--|---|
| <ul style="list-style-type: none">Mayor James M. Cavanaugh, Goodyear, Chair# Mayor Mary Manross, Scottsdale, Vice Chair | <ul style="list-style-type: none">Mayor Keno Hawker, Mesa# Mayor Thomas L. Schoaf, Litchfield Park |
|--|---|

Vice Mayor Peggy Neely, Treasurer
Mayor Steven M. Berman, Gilbert

* Mayor Marie Lopez Rogers, Avondale

* Not present

Participated by video or telephone conference call

Management Committee: This item was on the February 13, 2008 Management Committee agenda.

MEMBERS ATTENDING

Jan Dolan, Scottsdale, Chair
Charlie McClendon, Avondale, Vice Chair
Matthew Busby for George Hoffman,
Apache Junction
Jeanine Guy, Buckeye
Jon Pearson, Carefree
* Usama Abujbarah, Cave Creek
Mark Pentz, Chandler
Dr. Spencer Isom for B.J. Cornwall,
El Mirage
Alfonso Rodriguez for Phil Dorchester,
Fort McDowell Yavapai Nation
* Kate Zanon, Fountain Hills
* Lynn Farmer, Gila Bend
Joseph Manuel, Gila River Indian Community
George Pettit, Gilbert
Jessica Blazina for Ed Beasley, Glendale
Brian Dalke, Goodyear

Mark Johnson, Guadalupe
Darryl Crossman, Litchfield Park
Scott Butler for Christopher Brady, Mesa
* Jim Bacon, Paradise Valley
Carl Swenson for Terry Ellis, Peoria
* Frank Fairbanks, Phoenix
Patrick Flynn for John Kross, Queen Creek
Bryan Meyers, Salt River Pima-Maricopa
Indian Community
Jim Rumpeltes, Surprise
Charlie Meyer, Tempe
* Reyes Medrano, Tolleson
Gary Edwards, Wickenburg
Lloyce Robinson, Youngtown
Kwi-Sung Kang for Victor Mendez, ADOT
Kenny Harris for David Smith, Maricopa Co.
Bryan Jungwirth for David Boggs,
Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call. +Participated by videoconference call.

Regional Council: This item was on the January 28, 2008 Regional Council agenda.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair
* Mayor Mary Manross, Scottsdale, Vice Chair
Councilmember Robin Barker, Apache Junction
Mayor Marie Lopez Rogers, Avondale
Councilmember Elaine May for Mayor
Bobby Bryant, Buckeye
Mayor Wayne Fulcher, Carefree
Vice Mayor Gilbert Lopez for Councilmember
Dick Esser, Cave Creek
Mayor Boyd Dunn, Chandler
Mayor Fred Waterman, El Mirage
* President Raphael Bear, Fort McDowell
Yavapai Nation
Councilmember Jay Schlum for
Mayor Wally Nichols, Fountain Hills
Mayor Fred Hull, Gila Bend
* Governor William Rhodes, Gila River
Indian Community
Mayor Steven Berman, Gilbert
* Mayor Elaine Scruggs, Glendale
* Mayor Rebecca Jimenez, Guadalupe

* Mayor Thomas Schoaf, Litchfield Park
Supervisor Max W. Wilson, Maricopa County
Mayor Keno Hawker, Mesa
Councilmember Brian Cooney for Mayor
Ed Winkler, Paradise Valley
Mayor Bob Barrett, Peoria
* Vice Mayor Peggy Neely, Phoenix
Mayor Art Sanders, Queen Creek
Vice President Martin Harvier for President
Diane Enos, Salt River Pima-Maricopa
Indian Community
Mayor Lyn Truitt, Surprise
Mayor Hugh Hallman, Tempe
* Mayor Adolfo Gamez, Tolleson
Mayor Ron Badowski, Wickenburg
Mayor Michael LeVault, Youngtown
Felipe Zubia, State Transportation Board
* Vacant, State Transportation Board
* Vacant, Citizens Transportation
Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call. + Attended by videoconference call.

Executive Committee: This item was on the January 14, 2008 MAG Regional Council Executive Committee agenda.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair	Mayor Keno Hawker, Mesa
Mayor Mary Manross, Scottsdale, Vice Chair	Mayor Thomas L. Schoaf, Litchfield Park
* Vice Mayor Peggy Neely, Treasurer	Mayor Marie Lopez Rogers, Avondale
Mayor Steven M. Berman, Gilbert	

* Not present

Participated by video or telephone conference call

Management Committee: This item was on the January 9, 2008 Management Committee agenda.

MEMBERS ATTENDING

# Jan Dolan, Scottsdale, Chair	# Mark Johnson, Guadalupe
Charlie McClendon, Avondale, Vice Chair	Darryl Crossman, Litchfield Park
# Matthew Busby for George Hoffman, Apache Junction	# Scott Butler for Christopher Brady, Mesa
Jeanine Guy, Buckeye	Jim Bacon, Paradise Valley
* Jon Pearson, Carefree	Terry Ellis, Peoria
* Usama Abujbarah, Cave Creek	Frank Fairbanks, Phoenix
# Mark Pentz, Chandler	# John Kross, Queen Creek
Dr. Spencer Isom for B.J. Cornwall, El Mirage	# Bryan Meyers, Salt River Pima-Maricopa Indian Community
Alfonso Rodriguez, Fort McDowell Yavapai Nation	Michelle Lehman for Jim Rumpeltes, Surprise
# Kate Zanon, Fountain Hills	# Charlie Meyer, Tempe
* Lynn Farmer, Gila Bend	* Reyes Medrano, Tolleson
Joseph Manuel, Gila River Indian Community	# Gary Edwards, Wickenburg
George Pettit, Gilbert	# Mark Hannah for Lloyce Robinson, Youngtown
* Ed Beasley, Glendale	# Dale Buskirk for Victor Mendez, ADOT
# Brian Dalke, Goodyear	# Kenny Harris for David Smith, Maricopa Co. Chris Curcio for Dave Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

CONTACT PERSON:

Rebecca Kimbrough, MAG Fiscal Services Manager, (602) 452-5051

May 20, 2008

TO: Members of the MAG Regional Council

FROM: Dennis Smith, Executive Director

SUBJECT: REGIONAL OFFICE CENTER UPDATE

On May 19, 2008, the MAG Regional Council Executive Committee considered information on a projected 15 year budget for participating regional organizations for the Regional Office Center and recommended the following: 1) Pursue inspecting two properties for purchase located at 210 E. Earll and 111 W. Monroe and set up a tour of the locations within 30 days; 2) Investigate other property tax incentives, if any, that may be viable at the 210 E. Earll location; 3) Postpone the Guaranteed Maximum Price (GMP) on the ROC until information on the two purchase properties is provided; 4) Attain a market rate indicator for the agencies to identify financing position to buy and/or build; 5) Not accept the Letter of Intent (LOI) terms from Mr. Kaye for the 1st Avenue/McKinley site at this time.

Background

At the March 26, 2008 Regional Council meeting, the future of the Regional Office Center (ROC) project was discussed. Staff was directed to invite the partnering agencies, MAG, Regional Public Transportation Authority (RPTA), and Valley Metro Rail (METRO), and the Arizona Municipal Water Users Association (AMWUA), to participate in a joint meeting of the boards to discuss the issues involving the ROC project to determine if the project will move forward. To prepare for this joint board meeting, staff was directed to work with the other three regional agencies to schedule a preliminary meeting, consisting of policy board members and directors, to identify the issues that are outstanding for each of the agencies. This information was used to prepare the agendas for a joint meeting of up to four boards on April 23, 2008.

On April 7, 2008, a pre-meeting including the Board Chairs and administrative officials of MAG, the RPTA, METRO, and AMWUA met to discuss the status of the ROC. The consensus of the group was for the agencies to pursue steps regarding future office space for their respective agency: 1) Rescope the existing ROC project including using one-half of the existing parcel, reduce the size of the conference center, reduce the parking garage and evaluate whether to include the rooftop terrace and media center in the program, renegotiate the price per square foot at the current project site, and enter into a preconstruction services contract with McCarthy Building Companies for \$500,000 to get to a Guaranteed Maximum Price (GMP) for

the building; 2) Analyze the current agency leases and projected staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative budget to consider as alternative locations are analyzed; 3) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 4) Request David Kaye, the owner of the property at 1st Avenue/McKinley, to not require any additional option payments on his property until a GMP is provided and analysis for the project has been completed; and 5) Provide cost impact information of the ROC to be considered by the membership of the respective agency boards.

On April 14, 2008, the Regional Council Executive Committee considered the course of action suggested at the pre-meeting of the regional agencies participating in the ROC project. It was determined not to proceed at that time with the rescoping of the ROC and providing the funding for the Preconstruction Services Agreement with McCarthy Building Companies until a budget for the agencies was developed. The Executive Committee recommended the following: 1) Analyze the current agency leases and projected staff growth and the amount that would be spent over the next 15 years and apply that amount as a tentative budget to consider as alternative locations are analyzed; 2) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; and 3) Request David Kaye, the owner of the property at 1st Avenue/McKinley, to negotiate a first right of refusal on the property and terminate the payment of \$38,000 per month.

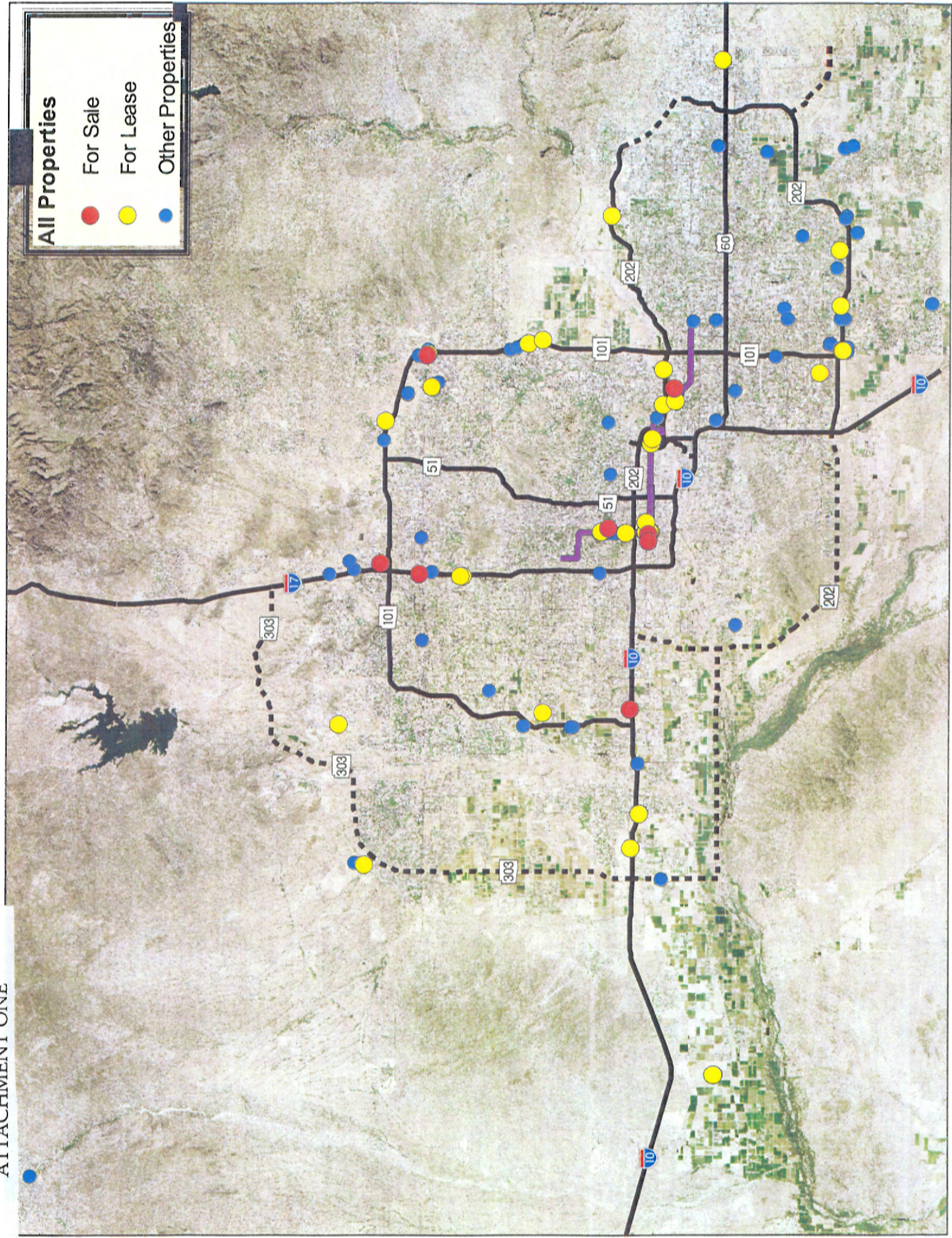
To begin developing the information requested by the Executive Committee, MAG staff met with representatives from the City of Phoenix Real Estate Division to review assumptions for the downtown Phoenix real estate market. Staff subsequently met with personnel from the RPTA, METRO and AMWUA to review these assumptions, analyze the current agency leases and projected staff growth to identify the amount that would be spent in the next 15 years. On April 24, 2008, staff issued a specification seeking commercial properties for sale and lease that would accommodate a program similar in size to the rescoped Regional Office Center (ROC) project with a minimum of 157,521 useable square feet. The specification noted a preference for locations in and adjacent to the central business corridor, but that property outside of this area may be considered if it is geographically easily accessible from all areas of the region. On May 2, 2008, a total of seven respondents submitted proposed locations. A review panel met on May 7, 2008 and selected 15 comparable commercial market opportunities for sale and/or lease for consideration. A map denoting all properties submitted is included as **Attachment 1**. The short-listed properties meeting the ROC program criteria outlined in the specification are included as **Attachment 2**.

On April 25, 2008, staff met with Mr. David Kaye to discuss the status of the 1st Avenue/McKinley site and provide notification to terminate the option payment of \$38,000 per month. Mr. Kaye indicated that he would be willing to renegotiate the price per square foot of the property and offered that future monthly payments could be applied toward the total purchase price of the property.

On May 19, 2008, the Regional Office Center Working Group reviewed the projected 15 year projected budget for the agencies participating in the Regional Office Center project. The Regional Office Center Working Group also considered the following: 1) Pursue information on other properties for sale and/or lease as directed; 2) Proceed with negotiations with Mr. David Kaye on the 1st Avenue/McKinley site; and 3) Proceed with rescoping the existing ROC project, including using one-half of the existing parcel, reducing the size of the conference center, reducing the parking garage, and evaluate whether to include the rooftop terrace and media center in the program to attain a Guaranteed Maximum Price (GMP) for the building.

After considering the information developed by staff, the Working Group recommended the following: 1) Pursue inspecting two properties for purchase located at 210 E. Earll and 111 W. Monroe and set up a tour of the locations within 30 days; 2) Investigate other property tax incentives, if any, that may be viable at the 210 E. Earll location; 3) Postpone the GMP on the ROC until information on the two purchase properties is provided; 4) Attain a market rate indicator for the agencies to identify financing position to buy and/or build; 5) Not accept the LOI terms from Mr. Kaye for the 1st Avenue/McKinley site at this time. In a meeting following the Working Group meeting, the Regional Council Executive Committee concurred in the recommendation of the Working Group.

If you have any questions, please contact me or Alana Chávez at the MAG office.



**COMMERCIAL SHORT-LISTED PROPERTIES
(REVISED)**

Outside Downtown Redevelopment Area

	SALE	LEASE	PROPERTY	ADDRESS	SUBMITTING BROKER (S)
1	Sale	Lease	IRS Building	210 East Earl	Grubb & Ellis; Prudential
2		Lease	Washington Pointe - Phase 1	4775 E. Washington St	Beydler (Century 21); Cushman & Wakefield
3		Lease	Papago Gateway Center	350 W. Washington St	Grubb & Ellis; Cushman & Wakefield
4		Lease	Cielo	3625 N. Central Ave	Grubb & Ellis
5		Lease	Viad Tower	1880 N. Central Ave	Cushman & Wakefield
6		Lease	2800 Tower	2800 N. Central Ave	Cushman & Wakefield; Prudential
7		Lease	Tempe Gateway	310 S. Mill Ave	Cushman & Wakefield
8		Lease	46 th St./Washington	4600 E. Washington	Cushman & Wakefield

Downtown Redevelopment Area

	SALE	LEASE	PROPERTY	ADDRESS	SUBMITTING BROKER (S)
9	Sale	Lease	One11 Tower	111 W. Monroe	Grubb & Ellis
10	Sale	Lease	Grace Court I, III, IV	80 W. Adams, 118 & 250 N. 7th Ave	CBRE
11		Lease	Cityscape	1 E. Washington	RED Development; Beydler (Century 21); Cushman & Wakefield
12		Lease	Two11 Monroe	211 W. Monroe St	Beydler (Century 21); Cushman & Wakefield
13		Lease	One Central Park East	50 E Van Buren	Beydler (Century 21); CBRE; Cushman & Wakefield
14		Lease	Phelps Dodge Tower	1 N. Central Ave	Grubb & Ellis
15		Lease	7th St/Van Buren	714 E. Van Buren St	Cushman & Wakefield

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

May 20, 2008

SUBJECT:

Statewide Transportation Survey

SUMMARY:

On December 19, 2007, the MAG Regional Council recommended that a public attitude survey be conducted. The Regional Council recommended that the FY 2008 MAG Unified Planning Work Program and Annual Budget be amended to include \$55,000 for the survey. In February 2008, the Transportation Policy Committee recommended the selection of WestGroup Research, Inc., to conduct the survey. The Regional Council approved the selection and in March 2008, MAG contracted with WestGroup to conduct the survey, including three focus groups and a statistically valid, random-sample statewide telephone survey of 1,200 likely voters.

The purpose of the survey is to better understand public attitudes regarding transportation needs, potential solutions, and timing. The scientific household telephone survey was designed to explore citizen attitudes regarding transportation issues and potential solutions on a regional and statewide basis in addressing mobility needs. In March 2008, three focus groups were held in Maricopa, Pima, and Yavapai counties to explore citizen attitudes and to provide input into the development of the polling instrument. A workshop was held on April 16, 2008, to receive input from the TPC to further refine the polling instrument.

A summary of the focus group findings was presented to the Transportation Policy Committee and the MAG Regional Council during a joint meeting April 23, 2008. The telephone portion of the Statewide Transportation Survey was conducted from April 22-May 9, 2008. A total of 1,224 telephone interviews were completed.

While results of the survey are still being analyzed, a summary of initial topline findings will be presented.

PUBLIC INPUT:

No public input was received regarding the amended budget or the consultant selection. Public input was received regarding transportation issues during the three focus groups held on March 23, 24, and 25, 2008. Additional public input was received from 1,224 telephone respondents of the Statewide Transportation Survey from April 22-May 9, 2008.

PROS & CONS:

PROS: The statewide transportation survey will provide important public input that will help inform statewide framework studies regarding public attitudes on transportation priorities, future demand, and potential financing strategies.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The consultant will tabulate survey results, key findings, detailed findings, and conclusions. Recommendations from this survey will provide transportation planning guidance to the statewide framework studies being conducted by MAG and ADOT.

POLICY: The scientific survey represents an important opportunity for the public to provide information regarding citizens' transportation needs and priorities, which will provide valuable assistance in setting policy direction for an anticipated statewide transportation initiative.

ACTION NEEDED:

Information and discussion.

PRIOR COMMITTEE ACTIONS:

On February 27, 2008, The MAG Regional Council approved the selection of WestGroup Research, Inc., to conduct the Statewide Transportation Survey.

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair
* Mayor Mary Manross, Scottsdale, Vice Chair
* Councilmember Robin Barker, Apache Junction
Mayor Marie Lopez Rogers, Avondale
+ Mayor Bobby Bryant, Buckeye
Mayor Wayne Fulcher, Carefree
Councilmember Dick Esser, Cave Creek
Mayor Boyd Dunn, Chandler
Mayor Fred Waterman, El Mirage
* President Clinton Pattea, Fort McDowell Yavapai Nation
Councilmember Jay Schlum for Mayor Wally Nichols, Fountain Hills
Mayor Fred Hull, Gila Bend
* Governor William Rhodes, Gila River Indian Community
Mayor Steven Berman, Gilbert
* Mayor Elaine Scruggs, Glendale
Mayor Rebecca Jimenez, Guadalupe

Mayor Thomas Schoaf, Litchfield Park
Supervisor Max W. Wilson, Maricopa County
Vice Mayor Claudia Walters for Mayor Keno Hawker, Mesa
Councilmember Brian Cooney for Mayor Ed Winkler, Paradise Valley
Mayor Bob Barrett, Peoria
Vice Mayor Peggy Neely, Phoenix
Mayor Art Sanders, Queen Creek
* President Diane Enos, Salt River Pima-Maricopa Indian Community
Mayor Lyn Truitt, Surprise
Mayor Hugh Hallman, Tempe
* Mayor Adolfo Gamez, Tolleson
Mayor Ron Badowski, Wickenburg
Mayor Michael LeVault, Youngtown
Felipe Zubia, State Transportation Board
* Vacant, State Transportation Board
* David Martin, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

CONTACT PERSON:

Kelly Taft, MAG Communications Manager, (602) 254-6300.


APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

RECEIVED
SECRETARY OF STATE
2008 MAY -8 AM 10:42


Signature of Applicant
Martin L. Shultz
Printed Name of Applicant
PO BOX 53999
Address
Phoenix, AZ 85072
City State Zip
602-250-2864
Telephone Number

T.I.M.E. Initiative
Name of Organization (if any)
1001 N. 1st ST.
Address
Phoenix AZ 85004
City State Zip
602-256-9109
Telephone Number
JD Pruitt, Chair
Name of Officer and Title
2620 S. 55th ST
Address
Tempe AZ 85282
City State Zip
480-293-3000
Telephone Number
Martin Shultz
Name of Officer and Title
P.O. Box 53999
Address
Phoenix AZ 85072
City State Zip
602-250-2866
Telephone Number

Date of Application	<u>May 8, 2008</u>
Signatures Required	<u>153,365</u>
Deadline for Filing	<u>July 3, 2008</u>
Serial Number Issued	<u>I-24-2008</u>
FOR OFFICE USE ONLY	

Revised 11/92

CF ID# 200810160

The T.I.M.E. Initiative will reduce congestion, offer modern transportation choices and preserve our spectacular open spaces by upgrading Arizona's statewide transportation system. The Initiative builds needed highways, freeways and roads; creates rail options for commuters and travelers; and protects our environment by creating better bike paths, walkways, and safer school routes. The plan imposes strict performance and accountability measures to ensure that money is being used efficiently and that the projects improve quality of life in tangible ways. These improvements to our transportation system are funded through a one cent adjustment to our statewide sales tax over 30 years.

RECEIVED
SECRETARY OF STATE

2008 MAY -8 AM 10:42

OFFICIAL TITLE

An Initiative Measure

ADDING SECTIONS 28-304.01 AND 28-503.01, ARIZONA REVISED STATUTES; REPEALING SECTION 28-367, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 22, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28; AMENDING TITLE 41, CHAPTER 23, ARTICLE 1 BY ADDING SECTION 41-2501.01; AMENDING TITLE 42, CHAPTER 5, ARTICLE 1 BY ADDING SECTIONS 42-5010.01 AND 42-5039; AMENDING TITLE 42, CHAPTER 5, ARTICLE 4 BY ADDING SECTION 42-5155.01; AMENDING TITLE 42, CHAPTER 5, ARTICLE 5 BY ADDING SECTION 42-5202.01; RELATING TO TRANSPORTATION IMPROVEMENTS.

Be it enacted by the People of the State of Arizona:

Section 1. Popular Title

This measure shall be known as the "Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act."

Section 2. Intent

A. It is the intent of the voters to reduce traffic congestion, commute times and pollution by upgrading Arizona's statewide transportation system. All funds collected under the transportation improvement excise tax will build needed highways, local freeways, and roads; create rail options for commuters and travelers; enhance public transit; and protect our environment by helping communities create better bike paths, walkways, and safer school routes. It is also the intent of the voters to establish strict performance and accountability measures, ensure regional balance and establish a sunset on the funding mechanism. Arizona can only meet these future transportation needs by dedicating a funding source -- approved by Arizona voters -- to finance transportation projects that will enable our state to grow wisely, protect our unique quality of life and ensure that the state's economy is strong into the future. Therefore, the state's voters intend through this measure that the monies collected and expended pursuant to this enactment shall be used in addition to other monies and funding sources authorized by law for the construction, improvement and maintenance of Arizona's transportation priorities that are necessary to meet the economic and environmental needs of the people of the State of Arizona in the 21st century.

B. All funds collected and interest earned under the transportation improvement excise tax authorized by this act are exempt from the provisions of section 35-190 related to the lapsing of appropriations. Notwithstanding any other law, no funds collected under the transportation improvement excise tax, nor any fund balances thereof shall be subject to reversion by any act of the legislature.

Section 3. Title 28, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 28-304.01 to read:

28-304.01. Additional powers and duties of the board

IN ADDITION TO ITS OTHER POWERS, THE BOARD SHALL ALSO CONSIDER AND APPROVE PROJECTS AUTHORIZED BY CHAPTER 28 OF THIS TITLE.

Section 4. Repeal

Section 28-367 Arizona Revised Statutes, is repealed.

Section 5. Title 28, chapter 2, article 7 Arizona Revised Statutes, is amended by adding section 28-503.01 to read:

28-503.01. TIME funds performance based planning and programming

A. THE BOARD SHALL APPLY ITS PERFORMANCE BASED PLANNING AND PROGRAMMING PROCESSES TO EVALUATING THE PERFORMANCE OF EXPENDITURES FROM THE TIME FUNDS ESTABLISHED BY SECTION 28-9331.

B. THE DEPARTMENT WILL APPLY THE PERFORMANCE FACTORS AND WEIGHTS TO SELECT PROJECTS AND SERVICES PURSUANT TO CHAPTER 28 OF THIS TITLE.

Section 6. Repeal

Title 28, chapter 22, Arizona Revised Statutes, is repealed.

Section 7. Title 28, Arizona Revised Statutes, is amended by adding chapter 28, to read:

CHAPTER 28. Transportation and Infrastructure Moving Arizona's Economy Funds

ARTICLE 1. GENERAL PROVISIONS

28-9301. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "HIGHWAYS" MEANS THE STATE HIGHWAY SYSTEM, INCLUDING ANY INTERSTATE HIGHWAY, STATE HIGHWAYS, STATE ROUTES, ANY SECONDARY SYSTEM OF HIGHWAYS OR THE STREETS OF ANY LOCAL JURISDICTION THAT ARE NOT WITHIN THE STATE HIGHWAY SYSTEM.

2. "HIGHWAY TIME FUND" MEANS THE HIGHWAY TRANSPORTATION AND INFRASTRUCTURE MOVING ARIZONA'S ECONOMY FUND WHICH WILL FUND THE INTERSTATE, HIGHWAY AND ROADWAY PURPOSES AS AUTHORIZED BY SECTION 28-9352, SUBSECTION A.

3. "INDIAN TRIBE" MEANS ONE OF THE FEDERALLY RECOGNIZED INDIAN TRIBES WITH LAND HELD IN TRUST BY THE FEDERAL GOVERNMENT LOCATED IN THE STATE OF ARIZONA.

4. "TIME FUNDS" AND THE "TRANSPORTATION AND INFRASTRUCTURE MOVING ARIZONA'S ECONOMY FUNDS" MEANS THE HIGHWAY TIME FUND AND THE RAIL TIME FUND.

5. "RAIL TIME FUND" MEANS THE RAIL TRANSPORTATION AND INFRASTRUCTURE MOVING ARIZONA'S ECONOMY FUND WHICH WILL FUND THE CREATION OF STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES, STATE PUBLIC TRANSPORTATION SYSTEMS AND STATE PUBLIC TRANSPORTATION AS AUTHORIZED BY SECTION 28-9352, SUBSECTION B.

6. "STATE PUBLIC TRANSPORTATION" MEANS THE TRANSPORTATION OF PASSENGERS BY STATE-OWNED OR OPERATED MEANS ON SCHEDULED OR NON-SCHEDULED ROUTES BY MEANS OF A CONVEYANCE ON AN INDIVIDUAL PASSENGER FARE-PAYING BASIS, INCLUDING STATE-OWNED PASSENGER RAIL SYSTEMS.

7. "STATE PUBLIC TRANSPORTATION SYSTEM" MEANS PROPERTY, EQUIPMENT AND IMPROVEMENTS OF WHATEVER NATURE THAT ARE OWNED, LEASED, USED, CONSTRUCTED, MAINTAINED, CONTROLLED OR OPERATED TO PROVIDE STATE PUBLIC TRANSPORTATION.

8. "STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES" MEANS ALL REAL PROPERTY, INCLUDING LAND, IMPROVEMENTS, TRACKS, TERMINALS, STATIONS, GARAGES, YARDS, SHOPS, OFFICES AND STRUCTURES APPURTENANT THERETO, AND ALL EASEMENTS, AIR RIGHTS, LICENSES, PERMITS AND FRANCHISES, USED IN CONNECTION WITH THE STATE PUBLIC TRANSPORTATION SYSTEM.

ARTICLE 2. STATE PUBLIC TRANSPORTATION

28-9321. State public transportation

THE DIRECTOR SHALL ADMINISTER ALL STATE PUBLIC TRANSPORTATION SYSTEMS AND FACILITIES AND HAS THE FOLLOWING POWERS AND DUTIES AND MAY:

1. RECEIVE, ALLOCATE, CONTROL AND DISBURSE ALL MONIES DESIGNATED FOR STATE PUBLIC TRANSPORTATION SYSTEMS BY FEDERAL OR STATE LAW OR RULE.

2. NEGOTIATE AND ENTER INTO CONTRACTS ON BEHALF OF THIS STATE WITH THE UNITED STATES FOR FEDERALLY ASSISTED STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES AND FEDERALLY ASSISTED STATE PUBLIC TRANSPORTATION SYSTEMS.

3. ENTER INTO AGREEMENTS ON BEHALF OF THIS STATE WITH COUNTIES, CITIES, TOWNS, PUBLIC TRANSIT DISTRICTS, ANY OTHER POLITICAL SUBDIVISIONS, INDIAN TRIBES, OR PRIVATE RAIL OR SHIPPING COMPANIES, REGARDING THE DESIGN, CONSTRUCTION, OPERATION OR MAINTENANCE OF, OR OTHER MATTERS RELATED TO ANY STATE AND LOCAL PUBLIC TRANSPORTATION SYSTEM FACILITIES OR STATE AND LOCAL PUBLIC TRANSPORTATION SYSTEMS.

4. ENTER INTO CONTRACTS FOR THE DESIGN, CONSTRUCTION, OPERATION OR MAINTENANCE OF STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES OR STATE PUBLIC TRANSPORTATION SYSTEMS.

5. ADOPT RULES FOR THE APPLICATION FOR AND THE EXPENDITURE OF ALL STATE PUBLIC TRANSPORTATION SYSTEM MONIES IN THE TIME FUNDS.

6. PLAN AND PROMOTE EFFICIENT PASSENGER RAIL TRANSPORTATION SERVICES AND SHALL:

a. MAINTAIN ADEQUATE PROGRAMS OF RESEARCH, PROMOTION AND DEVELOPMENT WITH PROVISIONS FOR PUBLIC PARTICIPATION.

b. TAKE ALL PRACTICAL STEPS TO IMPROVE THE QUALITY OF PASSENGER RAIL SERVICES IN ARIZONA.

7. DIRECT THE PREPARATION OF ALL PLANS AND SPECIFICATIONS FOR WORK ON STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES AND STATE PUBLIC TRANSPORTATION SYSTEMS.

8. NOTWITHSTANDING ANY OTHER LAW RELATING TO PUBLIC BIDDING OR OTHER PROCUREMENT PROCEDURES OR OTHER PROVISIONS OTHERWISE APPLICABLE TO PUBLIC WORKS, SERVICES OR UTILITIES, USE ANY PROJECT DELIVERY METHOD AND FORM OF PROCUREMENT PERMITTED UNDER TITLE 28.

9. PROVIDE FOR THE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES AND STATE PUBLIC TRANSPORTATION SYSTEMS, INCLUDING THE PROCUREMENT OF CONTRACTS FOR SOME OR ALL OF SUCH SERVICES.

10. APPROVE PAYMENT FOR WORK DONE BY THE STATE ON OR IN CONNECTION WITH STATE PUBLIC TRANSPORTATION SYSTEMS, EXCEPT THAT THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL NOT ALLOW A CLAIM FOR WORK WITHOUT THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S AUTHORIZED AND BONDED AGENT.

11. ENTER INTO AGREEMENTS ON BEHALF OF THIS STATE WITH RAILROADS FOR THE ACQUISITION AND USE OF RAILROAD CORRIDORS FOR STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES OR STATE PUBLIC TRANSPORTATION SYSTEMS TO THE EXTENT DEEMED BY THE DEPARTMENT TO BE IN THE STATE'S BEST INTERESTS AND AS PERMITTED BY LAW. THESE AGREEMENTS MAY PROVIDE FOR INDEMNIFICATION OF RAILROADS WITH RESPECT TO LIABILITY RESULTING FROM THE SHARED USE OF THE RAILROAD PROPERTY OR TRACKS ARISING FROM THE OPERATION OF STATE PUBLIC TRANSPORTATION FACILITIES OR STATE PUBLIC TRANSPORTATION SYSTEMS.

12. TAKE ALL OTHER ACTIONS OTHERWISE WITHIN THE POWER OF THE DIRECTOR GENERALLY THAT MAY BE NECESSARY TO ESTABLISH AND MAINTAIN SAFE AND WELL FUNCTIONING STATE PUBLIC TRANSPORTATION SYSTEMS.

28-9322. Land purchase, sale and condemnation

A. THE DIRECTOR MAY ACQUIRE, EITHER IN FEE OR A LESSER ESTATE OR INTEREST, REAL PROPERTY THAT THE DIRECTOR CONSIDERS NECESSARY FOR STATE PUBLIC TRANSPORTATION SYSTEM PURPOSES BY PURCHASE, DONATION, DEDICATION, EXCHANGE, CONDEMNATION OR OTHER LAWFUL MEANS WITH MONIES FROM THE HIGHWAY TIME FUND OR THE RAIL TIME FUND, AND SUCH ACQUISITION IS FOR TRANSPORTATION PURPOSES FOR THE PURPOSES OF SECTION 28-7092, SUBSECTION B.

B. PROPERTY ACQUIRED FOR STATE PUBLIC TRANSPORTATION PURPOSES INCLUDES LAND OR ANY INTEREST IN THE LAND NECESSARY FOR RIGHTS-OF-WAY, CAMPSITES, ROADSIDE REST AREAS, WATER OR MATERIAL NEEDED IN THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF STATE HIGHWAYS, AIRPORTS, RUNWAYS, TAXIWAYS, PUBLIC TRANSPORTATION FACILITIES OR OTHER PROPERTY UNDER THE JURISDICTION, POSSESSION OR CONTROL OF THE DEPARTMENT.

28-9323. Bonds payable from state transportation improvement excise taxes.

A. THE BOARD MAY ISSUE BONDS FROM TIME TO TIME SECURED BY A PLEDGE OF, AND PAYABLE FROM, ALL OR ANY PART OF MONIES IN THE HIGHWAY TIME FUND AND THE RAIL TIME FUND, BOTH ESTABLISHED BY CHAPTER 28, ARTICLE 3 OF THIS TITLE. SUCH BONDS SHALL

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BE AUTHORIZED BY RESOLUTION OF THE BOARD AND ISSUED IN THE SAME MANNER, AND ON THE SAME TERMS AND CONDITIONS, AS REGIONAL AREA ROAD FUND BONDS ISSUED BY THE BOARD PURSUANT TO CHAPTER 21, ARTICLE 2 OF THIS TITLE, AND THE PROVISIONS OF SUCH ARTICLE 2 SHALL APPLY TO SUCH BONDS, WITH THE FOLLOWING EXCEPTIONS:

1. THE PROCEEDS OF THE BONDS MAY BE USED BY THE DEPARTMENT FOR ANY LAWFUL PURPOSE FOR WHICH THE HIGHWAY TIME FUND AND THE RAIL TIME FUND MAY BE SPENT INCLUDING PAYING FEES RELATED TO ANY AGREEMENT BETWEEN THE BOARD AND ANY FINANCIAL INSTITUTION WHICH PROVIDES CREDIT, SECURITY, LIQUIDITY OR OTHER FINANCIAL ARRANGEMENT FOR THE BONDS, AND ANY OTHER COSTS, FEES AND EXPENSES REASONABLY RELATED TO THE ISSUANCE, SALE AND ADMINISTRATION OF THE BONDS.

2. THE BONDS MAY BEAR SUCH DATE OR DATES AND MATURE AT SUCH TIME OR TIMES, NOT EXCEEDING THE EARLIER OF THIRTY YEARS FROM THEIR RESPECTIVE DATES OR THE DATE THE TRANSPORTATION IMPROVEMENT EXCISE TAX SECURING THE BONDS CEASE, AS THE RESOLUTION OR RESOLUTIONS MAY PROVIDE.

3. THE BOARD MAY ESTABLISH SUCH ACCOUNTS OR SUBACCOUNTS WITHIN THE HIGHWAY TIME FUND AND THE RAIL TIME FUND THAT IT DETERMINES ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE PROVISIONS OF THIS CHAPTER, INCLUDING ONE OR MORE BOND ACCOUNTS, RESERVE ACCOUNTS, PROCEEDS ACCOUNTS AND CONSTRUCTION ACCOUNTS, AND MAY DIRECT THE STATE TREASURER TO MAKE DEPOSITS INTO SUCH ACCOUNTS IN THE PRIORITY SPECIFIED BY THE BOARD.

4. BONDS ISSUED UNDER THIS ARTICLE SHALL BE FOR THE BENEFIT OF THIS STATE. ANY REFERENCES, DUTIES, RESPONSIBILITIES OR AUTHORITY GRANTED TO A COUNTY IN CHAPTER 21, ARTICLE 2 OF THIS TITLE SHALL NOT APPLY TO THIS ARTICLE, BUT SHALL BE CONSTRUED AS IF THOSE REFERENCES, DUTIES, RESPONSIBILITIES OR AUTHORITIES GRANTED APPLIED TO THE STATE.

B. THE RESOLUTION OR RESOLUTIONS OF THE BOARD MAY CONTAIN SUCH OTHER TERMS AND CONDITIONS, OF LIKE OR DIFFERENT CHARACTER, AS THE BOARD DETERMINES ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

C. THIS STATE PLEDGES TO AND AGREES WITH THE HOLDERS OF THE BONDS ISSUED UNDER THIS ARTICLE THAT THIS STATE WILL NOT LIMIT OR ALTER THE TRANSPORTATION IMPROVEMENT EXCISE TAXES IN A WAY THAT ADVERSELY AFFECTS THE RIGHTS OF THE HOLDERS OF THE BONDS, AMEND OR RESCIND ANY PROVISION OF THIS ARTICLE OR CHAPTER 21, ARTICLE 2 OF THIS TITLE IN A WAY THAT ADVERSELY AFFECTS THE RIGHTS OF THE HOLDERS OF THE BONDS, LIMIT OR ALTER THE AUTHORITY TO LEVY THE TRANSPORTATION IMPROVEMENT EXCISE TAX IN A WAY THAT PREVENTS THE IMPOSITION OF SUFFICIENT TRANSPORTATION IMPROVEMENT EXCISE TAXES TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF THE BONDS OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS, UNTIL ALL BONDS ISSUED UNDER THIS ARTICLE, INTEREST ON THE BONDS, INTEREST ON ANY UNPAID INSTALLMENTS OF INTEREST AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDINGS BY OR ON BEHALF OF THE BONDHOLDERS ARE FULLY MET AND DISCHARGED.

ARTICLE 3. TIME FUNDS

28-9331. TIME funds; sources

A. THE HIGHWAY TIME FUND IS ESTABLISHED THAT CONSISTS OF:

1. MONIES DISTRIBUTED FROM THE TRANSPORTATION IMPROVEMENT EXCISE TAX PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 1.

2. MONIES APPROPRIATED BY THE LEGISLATURE.

3. MONIES RECEIVED FROM DONATIONS FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF HIGHWAYS. THE STATE TREASURER SHALL DEPOSIT THESE MONIES TO THE CREDIT OF THE FUND IN A SPECIAL ACCOUNT. THESE MONIES SHALL BE SPENT ONLY FOR THE PURPOSE INDICATED BY THE DONOR.

Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act.

4. MONIES RECEIVED FROM POLITICAL SUBDIVISIONS UNDER COOPERATIVE AGREEMENTS. THE STATE TREASURER SHALL DEPOSIT THESE MONIES TO THE CREDIT OF THE FUND IN A SPECIAL ACCOUNT ON DELIVERY TO THE STATE TREASURER OF A CONCISE WRITTEN AGREEMENT BETWEEN THE DEPARTMENT AND THE POLITICAL SUBDIVISION STATING THE PURPOSES FOR WHICH THE MONIES ARE SURRENDERED BY THE POLITICAL SUBDIVISION. THESE MONIES SHALL BE SPENT ONLY AS STATED IN THE AGREEMENT.

5. PROCEEDS FROM BOND ISSUES.

6. INTEREST EARNED ON MONIES IN THE FUND.

7. MONIES RECEIVED FROM THE UNITED STATES UNDER AN ACT OF CONGRESS TO PROVIDE AID FOR THE CONSTRUCTION OF HIGHWAYS, EXCEPT THAT MONIES RECEIVED ON PROJECTS FOR WHICH MATCHING MONIES ARE REQUIRED TO BE PROVIDED BY THIS STATE, IF THOSE MATCHING MONIES ARE WHOLLY DERIVED FROM SOURCES PRESCRIBED IN PARAGRAPHS 2 AND 3 OF THIS SUBSECTION, THOSE MONIES SHALL BE ALLOTTED BY THE DEPARTMENT AND DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, BY THE STATE TREASURER IN THE SPECIAL ACCOUNT IN THE FUND ESTABLISHED FOR EACH PROJECT. ON COMPLETION OF THE PROJECT, ON SATISFACTION AND DISCHARGE IN FULL OF ALL OBLIGATIONS OF ANY KIND AND ON REQUEST OF THE DEPARTMENT, THE STATE TREASURER SHALL TRANSFER THE UNEXPENDED BALANCE OF MONIES RECEIVED PURSUANT TO PARAGRAPHS 2 AND 3 OF THIS SUBSECTION IN THE SPECIAL ACCOUNT FOR THE PROJECT INTO THE HIGHWAY TIME FUND, WHICH FUNDS MAY THEN BE SPENT UNDER ANY PROVISION OF THIS ARTICLE.

8. MONIES IN THE CUSTODY OF AN OFFICER OR AGENT OF THIS STATE FROM ANY SOURCE THAT IS TO BE USED FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF HIGHWAYS.

9. RECEIPTS FROM THE SALE, DISPOSAL, LEASE OR INCIDENTAL USE OF ANY OR ALL OTHER PROPERTY HELD BY THE DEPARTMENT AND PURCHASED WITH HIGHWAY TIME FUND MONIES.

10. MONIES EARMARKED FOR A SPECIFIC HIGHWAY TIME FUND RELATED IMPROVEMENT.

11. MONIES RECEIVED FROM PUBLIC PRIVATE PARTNERSHIPS AUTHORIZED BY ARTICLE 6 OF THIS CHAPTER.

B. THE RAIL TIME FUND IS ESTABLISHED THAT CONSISTS OF:

1. MONIES DISTRIBUTED FROM THE TRANSPORTATION IMPROVEMENT EXCISE TAX PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 2.

2. MONIES APPROPRIATED BY THE LEGISLATURE.

3. MONIES RECEIVED FROM DONATIONS FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF STATE PUBLIC TRANSPORTATION SYSTEMS. THE STATE TREASURER SHALL DEPOSIT THESE MONIES TO THE CREDIT OF THE FUND IN A SPECIAL ACCOUNT. THESE MONIES SHALL BE SPENT ONLY FOR THE PURPOSE INDICATED BY THE DONOR.

4. MONIES RECEIVED FROM POLITICAL SUBDIVISIONS UNDER COOPERATIVE AGREEMENTS. THE STATE TREASURER SHALL DEPOSIT THESE MONIES TO THE CREDIT OF THE FUND IN A SPECIAL ACCOUNT ON DELIVERY TO THE STATE TREASURER OF A CONCISE WRITTEN AGREEMENT BETWEEN THE DEPARTMENT AND THE POLITICAL SUBDIVISION STATING THE PURPOSES FOR WHICH THE MONIES ARE SURRENDERED BY THE POLITICAL SUBDIVISION. THESE MONIES SHALL BE SPENT ONLY AS STATED IN THE AGREEMENT.

5. PROCEEDS FROM BOND ISSUES.

6. INTEREST EARNED ON MONIES IN THE FUND.

7. MONIES RECEIVED FROM THE UNITED STATES UNDER AN ACT OF CONGRESS TO PROVIDE AID FOR THE CONSTRUCTION OF STATE PUBLIC TRANSPORTATION SYSTEMS, EXCEPT THAT MONIES RECEIVED ON PROJECTS FOR WHICH MATCHING MONIES ARE REQUIRED TO BE PROVIDED BY THIS STATE, IF THOSE MATCHING MONIES ARE WHOLLY DERIVED FROM SOURCES PRESCRIBED IN PARAGRAPHS 2 AND 3 OF THIS SUBSECTION, THOSE MONIES SHALL BE

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ALLOTTED BY THE DEPARTMENT AND DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, BY THE STATE TREASURER IN THE SPECIAL ACCOUNT IN THE FUND ESTABLISHED FOR EACH PROJECT. ON COMPLETION OF THE PROJECT, ON SATISFACTION AND DISCHARGE IN FULL OF ALL OBLIGATIONS OF ANY KIND AND ON REQUEST OF THE DEPARTMENT, THE STATE TREASURER SHALL TRANSFER THE UNEXPENDED BALANCE OF MONIES RECEIVED PURSUANT TO PARAGRAPHS 2 AND 3 OF THIS, SUBSECTION IN THE SPECIAL ACCOUNT FOR THE PROJECT INTO THE RAIL TIME FUND, WHICH FUNDS MAY THEN BE SPENT UNDER ANY PROVISION OF THIS ARTICLE.

8. MONIES IN THE CUSTODY OF AN OFFICER OR AGENT OF THIS STATE FROM ANY SOURCE THAT IS TO BE USED FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF STATE PUBLIC TRANSPORTATION SYSTEMS.

9. RECEIPTS FROM THE SALE, DISPOSAL, LEASE OR INCIDENTAL USE OF ANY OR ALL OTHER PROPERTY HELD BY THE DEPARTMENT AND PURCHASED WITH RAIL TIME FUND MONIES.

10. MONIES EARMARKED FOR A SPECIFIC RAIL TIME FUND RELATED IMPROVEMENT.

11. MONIES RECEIVED FROM THE OPERATION OF A STATE PUBLIC TRANSPORTATION SYSTEM OR STATE PUBLIC TRANSPORTATION FACILITY, INCLUDING A PASSENGER RAIL SYSTEM.

12. MONIES RECEIVED FROM PUBLIC PRIVATE PARTNERSHIPS AUTHORIZED BY ARTICLE 6 OF THIS CHAPTER.

C. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL ADMINISTER THE TIME FUNDS.

D. THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION UNDER THIS SECTION ARE SUPERVISORY. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL NOT APPROVE A CLAIM OR DEMAND FOR A PURPOSE THAT IS NOT AUTHORIZED.

E. ON REQUEST, THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SHALL SUBMIT TO THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION THE FACTS AND CIRCUMSTANCES CONNECTED WITH A CLAIM OR DEMAND.

F. THE HIGHWAY TIME FUND SHALL BE USED FOR ANY OF THE FOLLOWING PURPOSES:

1. PLANNING, ENGINEERING, CONSTRUCTING, IMPROVING AND MAINTAINING STATE HIGHWAYS, STATE ROUTES AND INTERSTATE HIGHWAYS.

2. TO PAY FOR LAND ACQUISITION AND LAND DAMAGES INCURRED BY REASON OF ESTABLISHING, OPENING, ALTERING, RELOCATING, WIDENING OR ABANDONING PORTIONS OF A HIGHWAY.

3. TO PAY FOR LAND ACQUISITION AND LAND DAMAGES INCURRED BY REASON OF THE PRESERVATION OF FUTURE TRANSPORTATION CORRIDORS.

4. TO PLEDGE REVENUES FOR BOND ISSUANCES RELATED TO A HIGHWAY.

5. TO PAY FOR OTHER INCIDENTAL COSTS ASSOCIATED WITH HIGHWAY PROJECTS.

6. TO MAKE PAYMENTS IN CONNECTION WITH PUBLIC PRIVATE PARTNERSHIPS.

7. TO PAY PRINCIPAL, INTEREST AND PREMIUM ON BONDS AND OTHER FINANCIAL OBLIGATIONS INCLUDING COSTS OF ISSUANCE.

8. TO FUND RESERVES FOR SUCH BONDS.

9. TO PAY EXPENSES RELATED TO ADMINISTERING AND PAYING SUCH BONDS.

10. TO FUND ADDITIONAL EMPLOYEES, EQUIPMENT, SERVICES, FACILITIES AND SUPPORT NECESSARY TO COMPLETE THE PROJECTS FUNDED BY THE TRANSPORTATION IMPROVEMENT EXCISE TAX.

11. ACCELERATION OF STATE HIGHWAYS, STATE ROUTES AND INTERSTATE IMPROVEMENT PROJECTS.

12. TO FUND ENVIRONMENTALLY SENSITIVE DESIGN.

13. TO FUND THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO FACILITATE WILDLIFE MOVEMENT DISRUPTED BY TRANSPORTATION PROJECTS.

G. THE RAIL TIME FUND SHALL BE USED FOR ANY OF THE FOLLOWING PURPOSES:

1. PLANNING, DESIGNING, ENGINEERING, CONSTRUCTING, FINANCING, FURNISHING, EQUIPPING, IMPROVING, OPERATING AND MAINTAINING PASSENGER RAIL SYSTEMS OF STATEWIDE SIGNIFICANCE AS DETERMINED PURSUANT TO THE PLANNING PROCESSES ESTABLISHED IN THIS CHAPTER.

2. DISTRIBUTION AS STATE MATCHING GRANTS FOR PASSENGER RAIL INFRASTRUCTURE IMPROVEMENT PROJECTS THAT FACILITATE PASSENGER RAIL SYSTEMS, DECREASE CONGESTION, ENHANCE RAIL SAFETY OR FURTHER THE DEVELOPMENT OR USE OF PASSENGER RAIL. THE DEPARTMENT WILL ADMINISTER THE GRANT PROGRAM.

3. FOR DISBURSEMENT BY A STATE MATCHING GRANT TO FUND LOCAL, REGIONAL OR INTERCITY TRANSPORTATION OF PASSENGERS ALONG A ROADWAY, INCLUDING BUS, PARATRANSIT, AND LOCAL TRANSPORTATION OF PASSENGERS BY CARPOOL VEHICLE, RIDESHARE, AND OTHER SIMILAR METHODS. THE DEPARTMENT WILL ADMINISTER THE GRANT PROGRAM.

4. TO PAY FOR LAND ACQUISITION AND LAND DAMAGES INCURRED BY REASON OF ESTABLISHING, OPENING, ALTERING, RELOCATING, WIDENING OR ABANDONING PORTIONS OF A STATE PUBLIC TRANSPORTATION SYSTEM.

5. TO PAY FOR LAND ACQUISITION AND LAND DAMAGES INCURRED BY REASON OF THE PRESERVATION OF FUTURE TRANSPORTATION CORRIDORS.

6. TO PAY PRINCIPAL, INTEREST AND PREMIUM ON BONDS AND OTHER FINANCIAL OBLIGATIONS INCLUDING COSTS OF ISSUANCE.

7. TO FUND RESERVES FOR SUCH BONDS.

8. TO PAY EXPENSES RELATED TO ADMINISTERING AND PAYING SUCH BONDS.

9. TO PAY FOR OTHER INCIDENTAL COSTS ASSOCIATED WITH STATE PUBLIC TRANSPORTATION PROJECTS.

10. TO MAKE PAYMENTS IN CONNECTION WITH PUBLIC PRIVATE PARTNERSHIPS.

11. TO FUND ADDITIONAL EMPLOYEES, EQUIPMENT, SERVICES, FACILITIES AND SUPPORT NECESSARY TO COMPLETE THE PROJECTS FUNDED BY THE TRANSPORTATION IMPROVEMENT EXCISE TAX.

H. THE DIRECTOR OF THE DEPARTMENT SHALL ESTABLISH ANY ACCOUNTS OR SUBACCOUNTS WITHIN THE TIME FUNDS AS HE DETERMINES ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE PROVISIONS OF THIS TITLE. THESE ACCOUNTS OR SUBACCOUNTS SHALL BE CONSISTENT WITH ALLOCATIONS PRESCRIBED BY SECTION 28-9351. THE STATE TREASURER SHALL ACCOUNT SEPARATELY FOR ALL SUCH ACCOUNTS AND SUBACCOUNTS.

28-9332. Performance audits of proposed transportation projects and systems

A. BEGINNING IN 2015 AND EVERY FIFTH YEAR THEREAFTER, THE AUDITOR GENERAL SHALL CONTRACT WITH A NATIONALLY RECOGNIZED INDEPENDENT AUDITOR WITH EXPERTISE IN EVALUATING MULTIMODAL TRANSPORTATION SYSTEMS AND IN STATE AND REGIONAL TRANSPORTATION PLANNING TO CONDUCT A PERFORMANCE AUDIT, AS DEFINED IN SECTION 41-1278, AS AMENDED FROM TIME TO TIME, OF THE TIME FUNDS ESTABLISHED BY SECTION 28-9331 AND PROJECTS SCHEDULED FOR FUNDING DURING THE NEXT FIVE YEARS.

B. WITH RESPECT TO PASSENGER RAIL SYSTEMS, THE AUDIT SHALL CONSIDER THE CRITERIA USED BY THE FEDERAL TRANSIT ADMINISTRATION PURSUANT TO 49 UNITED STATES CODE SECTION 5309 AND THE INTERRELATIONSHIP AMONG THE CRITERIA TO PROVIDE FEDERAL FUNDING FOR PUBLIC TRANSPORTATION SYSTEMS. THE AUDIT SHALL ALSO CONSIDER RELEVANT FACTORS INCLUDING:

1. SERVICE LEVELS.

2. CAPITAL COSTS.

3. OPERATION AND MAINTENANCE COSTS.

4. TRANSIT RIDERSHIP.

5. FAREBOX REVENUES.

C. THE AUDIT SHALL:

1. EXAMINE THE STATE TRANSPORTATION PLAN AND PROJECTS SCHEDULED FOR FUNDING WITHIN EACH TRANSPORTATION MODE BASED ON THE PERFORMANCE FACTORS ESTABLISHED IN SECTION 28-505, SUBSECTION A, IN THE CONTEXT OF THE STATE PUBLIC TRANSPORTATION SYSTEM.

2. REVIEW PAST EXPENDITURES OF THE STATE PUBLIC TRANSPORTATION SYSTEM AND EXAMINE THE PERFORMANCE OF THE SYSTEM IN RELIEVING CONGESTION AND IMPROVING MOBILITY.

D. THE AUDITOR GENERAL OR THE AUDITORS CONTRACTED TO CONDUCT THE AUDIT SHALL PERIODICALLY UPDATE THE DEPARTMENT REGARDING THE PROGRESS OF THE AUDIT.

E. WITHIN FORTY-FIVE DAYS AFTER THE RELEASE OF THE AUDIT, THE DEPARTMENT SHALL SUBMIT WRITTEN RECOMMENDATIONS TO THE STATE TRANSPORTATION BOARD THAT THE FINDINGS ARE AGREED TO OR DISAGREED WITH AND THE RECOMMENDATIONS SHOULD BE IMPLEMENTED, IMPLEMENTED WITH MODIFICATION OR NOT BE IMPLEMENTED.

F. WITHIN FORTY-FIVE DAYS AFTER THE AUDIT'S RELEASE, THE STATE TRANSPORTATION BOARD SHALL HOLD A PUBLIC HEARING ON THE AUDIT FINDINGS AND RECOMMENDATIONS.

G. THE AUDITOR GENERAL SHALL DISTRIBUTE COPIES OF THE AUDIT TO:

1. THE STATE TRANSPORTATION BOARD.

2. THE GOVERNOR, SECRETARY OF STATE, PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

3. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

H. THE STATE TRANSPORTATION BOARD SHALL COOPERATE WITH AND SUBMIT TO THE AUDITOR GENERAL AND THE AUDITORS CONTRACTED TO CONDUCT THE AUDIT AND SUBMIT INFORMATION NECESSARY TO CONDUCT THE AUDITS UNDER THIS SECTION.

I. THE COST INCURRED BY THE AUDITOR GENERAL IN CONTRACTING WITH INDEPENDENT AUDITORS FOR CONDUCTING PERFORMANCE AUDITS OF THE TIME FUNDS UNDER SUBSECTION A OF THIS SECTION SHALL BE PAID FROM THE RESPECTIVE TIME FUNDS. WHEN DUE, THE PAYMENTS HAVE PRIORITY OVER ANY OTHER DISTRIBUTIONS, EXCEPT THE PAYMENT OF BONDED INDEBTEDNESS. THE AUDITOR GENERAL SHALL DEPOSIT THE PAYMENTS IN THE AUDIT SERVICES REVOLVING FUND ESTABLISHED BY SECTION 41-1279.06.

ARTICLE 4. PASSENGER RAIL SYSTEM PROJECTS

28-9341. Public transportation system planning

A. THE DEPARTMENT SHALL DEVELOP STATE PUBLIC TRANSPORTATION SYSTEMS AND STATE PUBLIC TRANSPORTATION SYSTEM FACILITIES, INCLUDING PROJECTS RELATING TO A PASSENGER RAIL SYSTEM, IN ACCORDANCE WITH THE LONG-RANGE STATE TRANSPORTATION PLAN ADOPTED BY THE DEPARTMENT.

B. IN DEVELOPING SUCH PLANS, THE DEPARTMENT SHALL ENGAGE IN A CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION PLANNING PROCESS THAT INCLUDES APPROPRIATE PROJECT STAKEHOLDERS AND IS COORDINATED WITH OTHER PLANNING EFFORTS CONDUCTED WITHIN THE STATE.

C. THE PLANS SHALL BE DEVELOPED IN ACCORDANCE WITH ANY OTHER APPLICABLE FEDERAL REQUIREMENTS.

28-9342. Passenger rail project committee

A. IN ADDITION TO ANY APPLICABLE FEDERALLY MANDATED PLANNING PROCESSES, AND TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL ASSEMBLE FOR EACH PASSENGER RAIL PROJECT A PASSENGER RAIL PROJECT COMMITTEE COMPRISED OF STATE AND LOCAL REPRESENTATIVES TO COORDINATE THE DEPARTMENT'S PLANNING FOR THE PROJECT RELATING TO THE SEGMENT OF THE PASSENGER RAIL SYSTEM. THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

1. ONE MEMBER WHO IS APPOINTED BY THE BOARD OF SUPERVISORS FOR EACH COUNTY IN WHICH THE PROPOSED PASSENGER RAIL SYSTEM PROJECT IS LOCATED.

2. ONE MEMBER WHO IS APPOINTED BY EACH REGIONAL PLANNING AUTHORITY THAT REPRESENTS THE AREA IN WHICH THE PROPOSED PASSENGER RAIL SYSTEM PROJECT IS LOCATED.

3. THE STATE LAND COMMISSIONER OR STATE LAND COMMISSIONER'S DESIGNEE.

4. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

5. SIX MEMBERS WHO ARE APPOINTED BY THE GOVERNOR AND WHO SERVE AT THE PLEASURE OF THE GOVERNOR. THREE OF THESE MEMBERS SHALL REPRESENT THE PUBLIC AND THREE OF THESE MEMBERS SHALL REPRESENT INCORPORATED CITIES AND TOWNS IN WHICH THE PROPOSED PASSENGER RAIL SYSTEM PROJECT IS LOCATED.

B. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL SERVE AS THE CHAIR OF THE COMMITTEE.

C. THE DEPARTMENT WILL PROVIDE THE STAFF RESOURCES FOR THE COMMITTEE. THE DEPARTMENT MAY UTILIZE THE RESOURCES OF THE COMMITTEE'S CONSTITUENT AGENCIES AS WELL AS NECESSARY CONSULTANTS.

D. THE COMMITTEE MAY CONSIDER ALL DETAILS FOR PROJECTS RELATING TO A PASSENGER RAIL SYSTEM, INCLUDING:

1. THE PROPOSED ROUTE OF THE PROJECT.

2. THE PROPOSED SIZE AND LENGTH OF THE PROJECT.

3. THE LOCATION OF EACH STATION INCLUDED WITH THE PROJECT.

4. THE ESTIMATED DATE BY WHICH EACH PROJECT WILL BE INTRODUCED INTO REVENUE SERVICE.

5. THE ESTIMATED CAPACITY FOR EACH PROJECT.

6. THE COST FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF EACH PROPOSED PROJECT.

7. TRANSIT RIDERSHIP.

8. REVENUES.

9. COST EFFECTIVENESS.

E. THE COMMITTEE FOR A PROJECT TERMINATES AND DISSOLVES UPON ITS PRESENTATION OF ITS FINAL RECOMMENDATIONS TO THE BOARD.

28-9343. Recommending projects relating to a passenger rail system

IN ADDITION TO ANY APPLICABLE FEDERALLY MANDATED PLANNING REQUIREMENTS, THE PASSENGER RAIL PROJECT COMMITTEE MAY CONSIDER THE FOLLOWING FACTORS IN RECOMMENDING PLANS FOR PROJECTS RELATING TO A PASSENGER RAIL SYSTEM:

1. EXISTING PLANS OF THIS STATE, LOCAL GOVERNMENTS AND PRIVATE ENTITIES FOR OTHER DEVELOPMENTS AT OR IN THE VICINITY OF PROPOSED PROJECTS.

2. CONGESTION RELIEF.

3. ACCESSIBILITY.

4. INTEGRATION AND CONNECTIVITY WITH OTHER MODES OF TRANSPORTATION, INCLUDING HIGH CAPACITY PUBLIC TRANSPORTATION.

5. IMPACTS ON FREIGHT RAILROAD CAPACITY.

6. RIDERSHIP DEMAND, PROXIMITY TO HOUSING AND EMPLOYMENT CENTERS, AND PEDESTRIAN ORIENTATION.
7. COST AND CONSTRUCTION FEASIBILITY.
8. ECONOMIC BENEFITS AND COST EFFECTIVENESS.
9. REVENUES.
10. ENVIRONMENTAL IMPACTS.
11. ITS EFFECTS ON LOCAL ECONOMIC DEVELOPMENT AND REDEVELOPMENT, PARTICULARLY OF PRE-EXISTING URBAN CORES.
12. ABILITY TO REUSE EXISTING INFRASTRUCTURE AND STRUCTURES.
13. ANY OTHER CRITERIA THE COMMITTEE DEEMS APPROPRIATE.

28-9344. Public involvement procedures

A. IN DEVELOPING PLANS FOR PROJECTS RELATING TO A PASSENGER RAIL SYSTEM, THE DEPARTMENT SHALL ESTABLISH EARLY AND CONTINUOUS PUBLIC INVOLVEMENT OPPORTUNITIES THAT PROVIDE TIMELY INFORMATION ABOUT THE PROJECTS, AT KEY DECISION POINTS, TO CITIZENS, AFFECTED PUBLIC AGENCIES AND OTHER STAKEHOLDERS.

B. IN ADDITION TO ANY APPLICABLE FEDERALLY MANDATED PLANNING REQUIREMENTS, THE PUBLIC INVOLVEMENT PROCEDURES SHALL INCLUDE ONE OR MORE PUBLIC HEARINGS AT WHICH PLANS FOR PROJECTS RELATING TO A PASSENGER RAIL SYSTEM ARE DISCUSSED.

28-9345. Expenditure of funds by passenger rail project committee

ON RECEIPT OF A DETAILED ACCOUNTING OF THE PASSENGER RAIL PROJECT COMMITTEE'S EXPENSES, THE DIVISION MAY APPROVE AND PAY THE FOLLOWING:

1. ACTUAL, REASONABLE AND NECESSARY EXPENSES INCURRED BY THE COMMITTEE MEMBERS IN CONNECTION WITH THEIR PARTICIPATION IN COMMITTEE MEETINGS.
2. OTHER REASONABLE COSTS NECESSARY FOR THE COMMITTEE TO COMPLETE ITS MISSION.

ARTICLE 5. **TRANSPORTATION IMPROVEMENT EXCISE TAX**

28-9351. Transportation improvement excise tax distribution

A. THE MONIES DISTRIBUTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY OTHER APPROPRIATION, TRANSFER OR OTHER ALLOCATION OF PUBLIC OR PRIVATE MONIES FROM ANY OTHER SOURCE. THE RECIPIENTS OF THE MONIES AND THE ARIZONA LEGISLATURE SHALL NOT SUPPLANT, REPLACE OR CAUSE ANY REDUCTION IN OTHER TRANSPORTATION FUNDING SOURCES BECAUSE OF THE RECEIPT OF THESE MONIES.

B. THE STATE TREASURER SHALL DEPOSIT PURSUANT TO SECTIONS 35-146 AND 35-147, OR DISTRIBUTE, THE TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES AS FOLLOWS:

1. FIFTY-FIVE PER CENT SHALL BE DEPOSITED IN THE HIGHWAY TIME FUND ESTABLISHED BY SECTION 28-9331 TO BE USED ON HIGHWAYS AS AUTHORIZED IN SECTION 28-9352, SUBSECTION A, OF WHICH:

a. FORTY-NINE PER CENT SHALL BE USED ON PROJECTS THAT ARE AUTHORIZED BY SECTION 28-9352, SUBSECTION A AND LOCATED IN ANY COUNTY WITH POPULATIONS OF 2,500,000 OR MORE PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

b. THIRTY-NINE PER CENT SHALL BE USED ON PROJECTS THAT ARE AUTHORIZED BY SECTION 28-9352, SUBSECTION A AND LOCATED IN ANY COUNTY WITH POPULATIONS OF 1,000,000 OR FEWER PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

c. TWELVE PER CENT SHALL BE USED ON PROJECTS THAT ARE AUTHORIZED BY SECTION 28-9352, SUBSECTION A AND LOCATED IN ANY COUNTY WITH A POPULATION OF MORE THAN 1,000,000 AND LESS THAN 2,500,000 PERSONS ACCORDING TO THE MOST RECENT

DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

2. EIGHTEEN PER CENT DEPOSITED IN THE RAIL TIME FUND ESTABLISHED BY SECTION 28-9331 TO BE USED AS AUTHORIZED IN SECTION 28-9352, SUBSECTION B, OF WHICH:

a. EIGHT PER CENT SHALL BE ALLOCATED TO THE TRANSPORTATION AUTHORITY THAT PERFORMS REGIONAL PUBLIC TRANSPORTATION PLANNING AND PROGRAMMING FOR ANY OF THE COUNTIES THAT HAVE A POPULATION OF 2,500,000 OR MORE PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

b. FIVE PER CENT SHALL BE ALLOCATED TO THE TRANSPORTATION AUTHORITY THAT PERFORMS REGIONAL PUBLIC TRANSPORTATION PLANNING AND PROGRAMMING FOR ANY OF THE COUNTIES THAT HAVE A POPULATION OF MORE THAN 1,000,000 AND LESS THAN 2,500,000 PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

c. EIGHTY-SEVEN PER CENT SHALL BE ALLOCATED FOR ANY PURPOSE AUTHORIZED BY SECTION 28-9352, SUBSECTION B.

3. TWENTY PER CENT TO BE USED FOR 28-9352, SUBSECTION C PROJECTS, OF WHICH:

a. SIXTY PER CENT SHALL BE DISTRIBUTED TO ANY COUNTY THAT HAS A POPULATION OF 2,500,000 OR MORE PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS AND THE CITIES, TOWNS AND INDIAN TRIBES LOCATED IN THOSE COUNTIES, IN PROPORTION TO THE RELATIVE POPULATIONS OF THE CITIES, TOWNS, INDIAN TRIBES AND THE UNINCORPORATED, NON-TRIBAL AREAS OF THE COUNTIES AS DETERMINED BY THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

b. THIRTY-EIGHT PER CENT SHALL BE DISTRIBUTED TO ANY COUNTY THAT HAS A POPULATION OF LESS THAN 2,500,000 PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS AND THE CITIES AND TOWNS LOCATED IN THOSE COUNTIES, BASED ON THE ARIZONA HIGHWAY USER REVENUE FUND DISTRIBUTION FORMULA PRESCRIBED BY SECTION 28-6540.

c. TWO PER CENT SHALL BE DISTRIBUTED TO THE INDIAN TRIBES WHICH ARE LOCATED WITHIN ANY COUNTY WITH A POPULATION OF LESS THAN 2,500,000 PERSONS ACCORDING TO THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS AND DIVIDED AMONG THEM, IN PROPORTION TO THEIR RELATIVE POPULATIONS AS DETERMINED BY THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

4. FOUR PER CENT SHALL BE DISTRIBUTED FOR CERTAIN TRANSPORTATION RELATED ENHANCEMENTS AS PRESCRIBED IN SECTION 28-9352, SUBSECTION D, DISTRIBUTED TO THE COUNTIES, CITIES, TOWNS AND INDIAN TRIBES, IN PROPORTION TO THE RELATIVE POPULATIONS OF THE CITIES, TOWNS, INDIAN TRIBES AND THE UNINCORPORATED, NON-TRIBAL PARTS OF THE COUNTIES AS DETERMINED BY THE MOST RECENT DECENNIAL OR MID-DECENNIAL CENSUS AS CERTIFIED BY THE UNITED STATES BUREAU OF THE CENSUS.

5. THREE PER CENT SHALL BE DEPOSITED IN THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND CREATED IN SECTION 28-9353 AND DISTRIBUTED THROUGH A STATE GRANT PROGRAM ADMINISTERED BY THE DEPARTMENT IN CONSULTATION WITH THE STATE GAME AND FISH DEPARTMENT.

C. THE MONIES DISTRIBUTED PURSUANT TO SUBSECTION B OF THIS SECTION SHALL BE USED ON PROJECTS WITHIN THE STATE OF ARIZONA AND SHALL NOT BE TRANSFERRED FROM OR BETWEEN THE HIGHWAY TIME FUND, THE RAIL TIME FUND, THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND, OR FUNDS DISTRIBUTED TO CITIES, TOWNS, COUNTIES, REGIONAL TRANSPORTATION AUTHORITIES, OR INDIAN TRIBES.

D. ALL TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES AUTHORIZED BY THIS ACT ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATED TO THE LAPSING OF

APPROPRIATIONS. NOTWITHSTANDING ANY OTHER LAW, NO FUNDS COLLECTED UNDER THE TRANSPORTATION IMPROVEMENT EXCISE TAX, NOR BALANCE OF FUNDS SHALL BE SUBJECT TO REVERSION BY ANY ACT OF THE LEGISLATURE. INTEREST EARNED ON MONIES IN THE FUND SHALL BE CREDITED TO THE FUND.

28-9352. Designated transportation improvements

A. THE BOARD SHALL DETERMINE THE TRANSPORTATION PROJECTS DESIGNATED TO BE FUNDED BY THE TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES DISTRIBUTED PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 1 AND WILL PUBLISH THE SELECTED PROJECTS TO THE PUBLIC AS THE "RECOMMENDED TIME PROGRAM." THOSE PURPOSES MAY INCLUDE:

1. THE COST OF ENGINEERING, CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF STATE HIGHWAYS, AND PARTS OF HIGHWAYS FORMING STATE ROUTES.
2. THE COST OF INTERSTATE IMPROVEMENTS.
3. THE ACCELERATION OF STATE HIGHWAY, STATE ROUTES AND INTERSTATE IMPROVEMENT PROJECTS.
4. ENVIRONMENTALLY SENSITIVE DESIGNS AND THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO FACILITATE WILDLIFE MOVEMENT DISRUPTED BY TRANSPORTATION PROJECTS.
5. THE FUNDING OF PRIVATE PUBLIC PARTNERSHIPS RELATED TO TRANSPORTATION AND ALLOWABLE UNDER LAW.
6. ANY OTHER TRANSPORTATION RELATED PURPOSE.

B. TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES DISTRIBUTED PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 2 MAY BE USED FOR:

1. PASSENGER RAIL SYSTEMS OF STATEWIDE SIGNIFICANCE AS DETERMINED PURSUANT TO THE PLANNING PROCESSES ESTABLISHED IN CHAPTER 28.
2. FREIGHT RAIL IMPROVEMENTS THAT ENHANCE THE IMPLEMENTATION OF PASSENGER RAIL.
3. DIRECT DISTRIBUTIONS AND STATE MATCHING GRANTS FOR PASSENGER RAIL INFRASTRUCTURE IMPROVEMENT PROJECTS THAT FACILITATE PASSENGER RAIL SYSTEMS, INCLUDING LIGHT RAIL, DECREASE CONGESTION, ENHANCE RAIL SAFETY, OR FURTHER THE DEVELOPMENT OR USE OF PASSENGER RAIL. THE GRANTS SHALL BE ADMINISTERED BY THE DEPARTMENT.
4. DIRECT DISTRIBUTIONS AND STATE MATCHING GRANTS FOR PROGRAMS THAT PROVIDE LOCAL, REGIONAL OR INTERCITY TRANSPORTATION OF PASSENGERS ALONG A ROADWAY, INCLUDING BUS, PARATRANSIT, AND LOCAL TRANSPORTATION OF PASSENGERS BY CAR POOL, RIDESHARE, AND OTHER SIMILAR METHODS. THE GRANTS SHALL BE ADMINISTERED BY THE DEPARTMENT.

C. TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES DISTRIBUTED PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 3 MAY BE USED FOR LOCAL TRANSPORTATION PURPOSES, WHICH INCLUDE PROVIDING LOCAL ROADS, LIGHT RAIL, BUS, PARATRANSIT, CARPOOL, VEHICLE, TRANSPORTATION ENHANCEMENTS, TRANSPORTATION SAFETY IMPROVEMENTS AND OTHER TRANSPORTATION RELATED PROJECTS. INDIAN TRIBES SHALL USE THE FUNDS FOR ANY OF THE PURPOSES DESCRIBED IN THIS SECTION, BUT ONLY IF THE PROJECT BENEFITS AND IS ACCESSIBLE TO THE GENERAL PUBLIC AS WELL AS TRIBAL MEMBERS AND IS LOCATED IN ARIZONA.

D. TRANSPORTATION IMPROVEMENT EXCISE TAX MONIES DISTRIBUTED PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 4 MAY BE USED FOR:

1. ACQUISITION OF SCENIC EASEMENTS.
2. DEVELOPMENT OF SAFE SCHOOL ROUTES.

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3. ENVIRONMENTAL MITIGATION TO ADDRESS WATER POLLUTION OR TO REDUCE VEHICLE-CAUSED WILDLIFE MORTALITY WHILE MAINTAINING HABITAT CONNECTIVITY.
4. LANDSCAPING AND OTHER SCENIC BEAUTIFICATION.
5. NEIGHBORHOOD MITIGATION RELATED TO FREEWAY PROJECTS.
6. PRESERVATION OF RAILWAY CORRIDORS, INCLUDING THE CONVERSION AND USE OF THE CORRIDORS FOR PEDESTRIAN OR BICYCLE TRAILS.
7. PROVISION OF FACILITIES FOR PEDESTRIANS AND BICYCLES.
8. SCENIC OR HISTORIC ROADWAY PROGRAMS.
9. TRANSIT ORIENTED DEVELOPMENT.
10. OTHER SIMILAR TRANSPORTATION ENHANCEMENT PROJECTS AS DETERMINED BY THE DEPARTMENT.

E. INDIAN TRIBES SHALL USE THE FUNDS DISTRIBUTED TO THEM PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 4 FOR ANY OF THE PURPOSES DESCRIBED ABOVE IN SUBSECTION D OF THIS SECTION, BUT ONLY IF THE PROJECT BENEFITS AND IS ACCESSIBLE TO THE GENERAL PUBLIC AS WELL AS TRIBAL MEMBERS AND IS LOCATED IN ARIZONA.

28-9353. Open space conservation and wildlife habitat fund

A. THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND IS ESTABLISHED, CONSISTING OF MONIES APPROPRIATED BY THE LEGISLATURE, DEPOSITED PURSUANT TO SECTION 28-9351, SUBSECTION B, PARAGRAPH 5 OR DEPOSITED BY FEDERAL GRANTS AND PRIVATE GIFTS.

B. THE DIRECTOR SHALL ADMINISTER THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND, IN CONSULTATION WITH THE STATE GAME AND FISH DEPARTMENT. NOTWITHSTANDING ANY OTHER LAW, NO FUNDS HELD IN THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND, NOR BALANCE OF THE FUND, SHALL BE SUBJECT TO REVERSION BY ANY ACT OF THE LEGISLATURE. INTEREST EARNED ON MONIES IN THE FUND SHALL BE CREDITED TO THE FUND. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

C. THE PURPOSE OF THE OPEN SPACE CONSERVATION AND WILDLIFE HABITAT FUND IS TO PROTECT, MAINTAIN OR RECOVER WILDLIFE HABITATS AND OPEN SPACE IN THIS STATE THAT ARE AFFECTED DIRECTLY OR INDIRECTLY BY TRANSPORTATION PROJECTS. THE DIRECTOR WILL SELECT PROJECTS FOR FUNDING BASED ON THE PRIORITIES IDENTIFIED IN THE ARIZONA STATE WILDLIFE ACTION PLAN OR THE ARIZONA GAME AND FISH DEPARTMENT WILDLIFE MANAGEMENT PLAN. MONIES MAY BE USED FOR THE ACQUISITION OF REAL PROPERTY. MONIES SHALL BE DISTRIBUTED THROUGH A GRANT PROGRAM ADMINISTERED BY THE DEPARTMENT. THE DEPARTMENT MAY ISSUE GRANTS TO AN AGENCY OR ANY POLITICAL SUBDIVISION OF THIS STATE, INDIAN TRIBE, OR AN ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION 501(c) OF THE INTERNAL REVENUE CODE. GRANTS SHALL BE FOR PROJECTS THAT THE DEPARTMENT IS NOT OTHERWISE ALREADY REQUIRED TO COMPLETE UNDER STATE OR FEDERAL LAW.

ARTICLE 6. **PUBLIC PRIVATE PARTNERSHIPS**

28-9361. Definitions

1. "PRIVATE CONTRIBUTION" MEANS THE SUPPLY BY A PRIVATE ENTITY OF RESOURCES TO ACCOMPLISH ALL OR ANY PART OF THE WORK ON A TRANSPORTATION PROJECT AUTHORIZED UNDER SECTION 28-9352 OR RELATED TO A DEPARTMENT OWNED OR OPERATED PORT OF ENTRY, INCLUDING MONIES, FINANCING, INCOME, REVENUE, COST SHARING, TECHNOLOGY, STAFF, EQUIPMENT, EXPERTISE, DATA, OR ENGINEERING, CONSTRUCTION, OPERATION OR MAINTENANCE SERVICES.

2. "PUBLIC-PRIVATE PARTNERSHIP" MEANS A NONTRADITIONAL ARRANGEMENT BETWEEN THE DEPARTMENT AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR ONE OR MORE OF THE FOLLOWING:

Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act.

a. ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A TRANSPORTATION PROJECT OR SERVICE IN EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THAT PROJECT OR SERVICE OTHER THAN ONLY A MONEY PAYMENT.

b. SHARING OF RESOURCES AND THE MEANS OF PROVIDING TRANSPORTATION SYSTEM PROJECTS OR SERVICES.

c. COOPERATION IN RESEARCHING, DEVELOPING, AND IMPLEMENTING TRANSPORTATION SYSTEM PROJECTS OR SERVICES.

3. "UNSOLICITED PROPOSAL" MEANS A WRITTEN PROPOSAL FOR A PUBLIC-PRIVATE PARTNERSHIP THAT IS SUBMITTED BY A PRIVATE ENTITY FOR THE PURPOSE OF ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT BUT THAT IS NOT IN RESPONSE TO A FORMAL SOLICITATION OR REQUEST ISSUED BY THE DEPARTMENT.

28-9362. Public-private partnership authority

THE DEPARTMENT MAY SOLICIT AND CONSIDER PROPOSALS, CONSIDER UNSOLICITED PROPOSALS, ENTER INTO AGREEMENTS, GRANT BENEFITS, AND ACCEPT CONTRIBUTIONS FOR PUBLIC-PRIVATE PARTNERSHIPS PURSUANT TO THIS ARTICLE CONCERNING ANY TRANSPORTATION PROJECT, USING ANY PROJECT DELIVERY METHOD OR PROCUREMENT METHOD PERMITTED IN TITLE 28.

28-9363. Public-private partnerships

THE DEPARTMENT MAY ENTER INTO AN AGREEMENT FOR EACH PUBLIC-PRIVATE PARTNERSHIP, WHICH SHALL INCLUDE TERMS AND CONDITIONS IN THE AGREEMENT THAT IT DETERMINES ARE APPROPRIATE IN THE PUBLIC INTEREST AND SAFETY AND TO PROTECT THE DEPARTMENT.

Section 8. Title 41, chapter 23, article 1, Arizona Revised Statutes, is amended by adding section 41-2501.01

41-2501.01 Applicability to state public transportation projects

THE STATE TRANSPORTATION BOARD AND THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION ARE EXEMPT FROM THE PROVISIONS OF THIS CHAPTER OTHER THAN SECTION 41-2856 FOR THE PROCUREMENT OF CONSTRUCTION, PROPERTY, GOODS OR SERVICES FOR STATE PUBLIC TRANSPORTATION PURPOSES.

Section 9. Title 42, chapter 5, article 1, Arizona Revised Statutes, is amended by adding section 42-5010.01 to read:

42-5010.01. Transportation improvement excise tax

IN ADDITION TO THE RATES PRESCRIBED BY SECTION 42-5010, SUBSECTION A, AN ADDITIONAL RATE INCREMENT IS IMPOSED AS THE TRANSPORTATION IMPROVEMENT EXCISE TAX AND SHALL BE COLLECTED FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2039. THE TAXPAYER SHALL PAY TAXES PURSUANT TO THIS SECTION AT THE SAME TIME AND IN THE SAME MANNER AS THE TAXES UNDER 42-5010, SUBSECTION A. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR THE REVENUES COLLECTED WITH RESPECT TO THE RATES IMPOSED PURSUANT TO TRANSPORTATION IMPROVEMENT EXCISE TAX AND THE STATE TREASURER SHALL DISTRIBUTE ALL OF THOSE REVENUES IN THE MANNER PRESCRIBED BY SECTION 28-9351. THE RATES IMPOSED PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED LOCAL REVENUES FOR PURPOSES OF ARTICLE IX, SECTION 20, CONSTITUTION OF ARIZONA. THE ADDITIONAL TAX RATE INCREMENT IS LEVIED AT THE RATE OF ONE PER CENT OF THE TAX BASE OF EVERY PERSON ENGAGING OR CONTINUING IN THIS STATE IN A BUSINESS CLASSIFICATION LISTED IN 42-5010, SUBSECTION A, PARAGRAPHS 1, 2 AND 3.

Section 10. Title 42, chapter 5, article 1, Arizona Revised Statutes, is amended by adding section 42-5039 to read:

42-5039. Remission and distribution of transportation improvement excise tax

A. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146, 35-147 AND 42-1116, ALL REVENUES COLLECTED UNDER SECTIONS 42-5010.01, 42-5155.01 AND 42-5202.01,

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SEPARATELY ACCOUNTING FOR THE REVENUES COLLECTED WITH RESPECT TO THE RATES IMPOSED PURSUANT TO THE TRANSPORTATION IMPROVEMENT EXCISE TAX AND SHALL MANAGE AND DISTRIBUTE SUCH REVENUES FOLLOWING THE PROCEDURES ESTABLISHED IN SECTION 42-5029.

B. ALL MONIES COLLECTED PURSUANT TO SECTIONS 42-5010.01, 42-5155.01 AND 42-5202.01 SHALL BE DISTRIBUTED EACH MONTH PURSUANT TO SECTION 28-9351. THE MONIES DISTRIBUTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY OTHER APPROPRIATION, TRANSFER OR OTHER ALLOCATION OF PUBLIC OR PRIVATE MONIES FROM ANY OTHER SOURCE AND SHALL NOT SUPPLANT, REPLACE OR CAUSE ANY REDUCTION IN OTHER TRANSPORTATION FUNDING SOURCES.

Section 11. Title 42, chapter 5, article 4, Arizona Revised Statutes, is amended by adding section 42-5155.01 to read:

42-5155.01. Levy of transportation improvement excise tax

IN ADDITION TO THE RATE PRESCRIBED BY SECTION 42-5155, AN ADDITIONAL RATE INCREMENT OF ONE PER CENT IS IMPOSED AND SHALL BE COLLECTED FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2039. THE TAXPAYER SHALL PAY TAXES PURSUANT TO THIS SECTION AT THE SAME TIME AND IN THE SAME MANNER AS UNDER SUBSECTION C OF SECTION 42-5155. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR THE REVENUES COLLECTED WITH RESPECT TO THE RATE IMPOSED PURSUANT TO THIS SECTION AND THE STATE TREASURER SHALL PAY ALL OF THOSE REVENUES IN THE MANNER PRESCRIBED BY SECTION 42-5039.

Section 12. Title 42, chapter 5, Article 4, Arizona Revised Statutes, is amended by adding section 42-5202.01 to read:

42-5202.01 Levy of transportation improvement excise tax

IN ADDITION TO THE RATE PRESCRIBED BY SECTION 42-5202, SUBSECTION C, AN ADDITIONAL RATE INCREMENT OF ONE PER CENT IS IMPOSED AND SHALL BE COLLECTED FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2039. THE TAXPAYER SHALL PAY TAXES PURSUANT TO THIS SUBSECTION AT THE SAME TIME AND IN THE SAME MANNER AS TAXES ARE PAID UNDER ARTICLE 1 OF THIS CHAPTER. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR THE REVENUES COLLECTED WITH RESPECT TO THE RATE IMPOSED PURSUANT TO THIS SECTION, AND THE STATE TREASURER SHALL PAY ALL OF THOSE REVENUES IN THE MANNER PRESCRIBED BY SECTION 42-5039.

Section 13. Conforming Legislation

The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration initially in the 49th legislature, 1st regular session.

Section 14. Exemption from rule making

The Director, the Department of Transportation and the State Transportation Board are exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes regarding rulemaking authority established by this act for 5 years from the effective date of this act, except as otherwise provided in this section.

Section 15. Severability

If any provision of this initiative measure is declared invalid, such invalidity shall not affect other provisions of this initiative measure that can be given effect without the invalid provision. To this end, the provisions of this initiative measure are declared to be severable.

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